THE QUESTION OF PALESTINE

Origins and Evolution of the Palestine Problem: 1917-1947 (Part I)

Introduction

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The question of

Palestine was brought before the United Nations shortly after the end of the Second World War.

The origins of the Palestine problem as an international issue, however, lie in events occurring towards the end of the First World War. These events led to a League of Nations decision to place Palestine under the administration of Great Britain as the Mandatory Power under the Mandates System adopted by the League. In principle, the Mandate was meant to be in the nature of a transitory phase until Palestine attained the status of a fully independent nation, a status provisionally recognized in the League's Covenant, but in fact the Mandate's historical evolution did not result in the emergence of Palestine as an independent nation.

The decision on the Mandate did not take into account the wishes of the people of Palestine, despite the Covenant's requirements that "the wishes of these communities must be a principal consideration in the selection of the Mandatory". This assumed special significance because, almost five years before receiving the mandate from the League of Nations, the British Government had given commitments to the Zionist Organization regarding the establishment of a Jewish national home in Palestine, for which Zionist leaders had pressed a claim of "historical connection" since their ancestors had lived in Palestine two thousand years earlier before dispersing in the "Diaspora".

During the period of the Mandate, the Zionist Organization worked to secure the establishment of a Jewish national home in Palestine. The indigenous people of Palestine, whose forefathers had inhabited the land for virtually the two preceding millennia felt this design to be a violation of their natural and inalienable rights. They also viewed it as an infringement of assurances of independence given by the Allied Powers to Arab leaders in return for their support during the war. The result was mounting resistance to the Mandate by Palestinian Arabs, followed by resort to violence by the Jewish community as the Second World War drew to a close.

After a quarter of a century of the Mandate, Great Britain submitted what had become "the Palestine problem" to the United Nations on the ground that the Mandatory Power was faced with conflicting obligations that had proved irreconcilable. At this point, when the United Nations itself was hardly two years old, violence ravaged Palestine. After investigating various alternatives the United Nations proposed the partitioning of Palestine into two independent States, one Palestinian Arab and the other Jewish, with Jerusalem internationalized. The partition plan did not bring peace to Palestine, and the prevailing violence spread into a Middle East war halted only by United Nations action. One of the two States envisaged in the partition plan proclaimed its independence as Israel and, in a series of successive wars, its territorial control expanded to occupy all of Palestine. The Palestinian Arab State envisaged in the partition plan never appeared on the world's map and, over the following 30 years, the Palestinian people have struggled for their lost rights.

The Palestine problem quickly widened into the Middle East dispute between the Arab States and

Israel. From 1948 there have been wars and destruction, forcing millions of Palestinians into exile, and engaging the United Nations in a continuing search for a solution to a problem which came to possess the potential of a major source of danger for world peace.

In the course of this search, a large majority of States Members of the United Nations have recognized that the Palestine issue continues to lie at the heart of the Middle East problem, the most serious threat to peace with which the United Nations must contend. Recognition is spreading in world opinion that the Palestinian people must be assured its inherent inalienable right of national self-determination for peace to be restored.

In 1947 the United Nations accepted the responsibility of finding a just solution for the Palestine issue, and still grapples with this task today. Decades of strife and politico-legal arguments have clouded the basic issues and have obscured the origins and evolution of the Palestine problem, which this study attempts to clarify.

I. The Beginnings of the Palestine Issue

The disintegration of the Ottoman Empire

By the turn of the century, the “Eastern question” was a predominant concern of European diplomacy, as the Great Powers manoeuvred to establish control or spheres of influence over territories of the declining Ottoman Empire. “The dynamics of the Eastern question thus lay in Europe”[1] and the issue finally was resolved by the defeat of Turkey in the First World War.

While the war was at its height and the disintegration of the Ottoman Empire became clearly imminent, the Entente Powers already were negotiating over rival territorial ambitions. In 1916 negotiations between Britain, France and Russia, later also including Italy, led to the secret Sykes-Picot agreement on the allocation of Ottoman Arab territories to spheres of influence of the European Powers (annex I). Since places sacred to three world religions were located there, an international régime was initially envisaged for Palestine which, however, eventually was to come under British control.

Although the European Powers sought to establish spheres of influence, they recognized that sovereignty would rest with the rulers and people of the Arab territories, and the Sykes-Picot agreement specified recognition of an “independent Arab State” or “confederation of Arab States”. This reflected the recognition of regional realities, since the force of emergent Arab nationalism constituted a major challenge to the supra-national Ottoman Empire. Arab nationalism sought manifestation in the form of sovereign, independent national States on the European model. Great Britain’s aims in the war linked with these Arab national aspirations and led to assurances of sovereign independence for the Arab peoples after the defeat of the Axis Powers.

Anglo-Arab understandings on Arab independence

These assurances appear in correspondence [2] during 1915-1916 between Sir Henry McMahon, British High Commissioner in Egypt, and Sherif Husain, Emir of Mecca, who held the special status of the Keeper of Islam's most holy cities. He thus acted as a representative of the Arab peoples, although not exercising formal political suzerainty over them all.

In the course of the protracted correspondence, the Sherif unequivocally demanded "independence of the Arab countries", specifying in detail the boundaries of the territories in question, which clearly included Palestine. McMahon confirmed that "Great Britain is prepared to recognize and support the independence of the Arabs in all the regions within the limits demanded by the Sherif of Mecca".

To assuage Arab apprehensions aroused by the revelation of the Sykes-Picot agreement by the Soviet Government after the 1917 revolution, and by certain conflicting statements of British policy (see sect. II below), further assurances followed concerning the future of Arab territories.

A special message (of 4 January 1918) from the British Government, carried personally by Commander David George Hogarth to Sherif Husain, stated that "the Entente Powers are determined that the Arab race shall be given full opportunity of once again forming a nation in the world … So far as Palestine is concerned, we are determined that no people shall be subject to another". [3]

Six months after General Allenby's forces had occupied Jerusalem, another declaration, referring to "areas formerly under Ottoman dominion, occupied by the Allied Forces during the present war", announced "… the wish and desire of His Majesty's Government that the future government of these regions should be based upon the principle of the consent of the governed, and this policy has and will continue to have support of His Majesty's Government". [4]

A joint Anglo-French declaration (7 November 1918) was more exhaustive and specific, affecting both British and French spheres of interest (the term "Syria" still being considered to include Lebanon and Palestine):

"The object aimed at by France and Great Britain in prosecuting in the East the War let loose by the ambition of Germany is the complete and definite emancipation of the [Arab] peoples and the establishment of national governments and administrations deriving their authority from the initiative and free choice of the indigenous populations.

In order to carry out these intentions, France and Great Britain are at one in encouraging and assisting the establishment of the indigenous governments and administrations in Syria and Mesopotamia now liberated by the Allies, and in the territories the liberation of which they are engaged in securing, and recognizing these as soon as they are actually established."[5]

The Committee on the Husain-McMahon correspondence

While these British assurances of independence to the Arabs were in unequivocal terms, the British position, since the end of the war, had been that Palestine had been excluded, an assertion contested by Palestinian and Arab leaders.

During the Husain-McMahon correspondence, the British made a determined effort to exclude certain areas from the territories to achieve independence, on the grounds that "the interests of our ally, France, are involved". Sherif Husain reluctantly agreed to suspend, but not surrender, Arab claims for independence to that area, stating that "the eminent minister should be sure that, at the first opportunity after this war is finished, we shall ask you (from what we avert our eyes today) for what we now leave to France in Beirut and its coasts".

The area in question had been described by McMahon as "portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo". This would appear to correspond to the coastal areas of present-day Syria and the northern part of Lebanon (map at annex II), where French interests converge. Prima facie it does not appear to cover Palestine, a known, identifiable land with an ancient history, sacred to the three great monotheistic religions, and which, under the Ottomans, approximated to the independent sanjak of Jerusalem and the sanjaks of Acre and Balqa (map at annex III).

In 1939, shortly after the Husain-McMahon papers were made public, a committee consisting of both British and Arab representatives was set up to consider this specific issue. Both sides reiterated their respective interpretations of the Husain-McMahon letters and were unable to reach an agreed view, but the British delegation conceded that the Arab

> *"… contentions relating to the meaning of the phrase 'portions of Syria lying to the west of the districts of Damascus, Hama, Homs and Aleppo' have greater force than has appeared hitherto … they agree that Palestine was included in the area claimed by the Sherif of Mecca in his letter of 14 July 1915, and that unless Palestine was excluded from that area later in the correspondence it must be regarded as having been included in the area which Great Britain was to recognize and support the independence of the Arabs. They maintain that on a proper construction of the correspondence Palestine was in fact excluded. But they agree that the language in which its exclusion was expressed was not so specific and unmistakable as it was thought to be at the time".*[6]

Behind the diplomatic language there appears recognition that Palestine was not unequivocally excluded from the British pledges of independence. The report, referring to the Husain-McMahon papers as well as the British and Anglo-French declaration to the Arabs after the issue of the Balfour Declaration, concludes:

> *"In the opinion of the Committee it is, however, evident from these statements that His Majesty's Government were not free to dispose of Palestine without regard to the wishes and interests of the inhabitants of Palestine, and that these statements must all be taken into account in any attempt to estimate the responsibilities which – upon any interpretation of the correspondence – His Majesty's Government have incurred towards those inhabitants as a result of the correspondence".* [7]

On 17 April 1974, *The Times* of London published excerpts from a secret memorandum prepared by the Political Intelligence Department of the British Foreign Office for the use of the British delegation to the Paris peace conference. The reference to Palestine is as follows:

> *"With regard to Palestine, His Majesty's Government are committed by Sir Henry McMahon's letter to the Sherif on October 24, 1915, to its inclusion in the boundaries of Arab independence … but they have stated their policy regarding the Palestine Holy Place and Zionist colonization in their message to him of January 4, 1918."*

An appendix to the memorandum notes:

> *"The whole of Palestine … lies within the limits which His Majesty's Government have pledged themselves to Sherif Husain that they will recognize and uphold the independence of the Arabs."*

Professor Arnold J. Toynbee, who dealt with the Palestine question as a member of the British Foreign Office at the time of the Peace Conference, wrote in 1968:

> *"… as I interpret the Hussein-McMahon correspondence, Palestine had not been excepted by the British Government from the area in which they had pledged themselves to King Hussein to recognize and support Arab independence. The Palestinian Arabs could therefore reasonably assume that Britain was pledged to prepare Palestine for becoming an independent Arab state."*[8]

These acknowledgements that the British Government had not possessed the right "to dispose of Palestine" appeared decades after the commitments to the Arabs not only had been infringed by

the Sykes-Picot agreement but, in disregard of the inherent rights and the wishes of the Palestinian people, the British Government had given Zionist leaders separate assurances regarding the establishment of a "national home for the Jewish people in Palestine", an undertaking that sowed the seeds of prolonged conflict in Palestine.

II. The Balfour Declaration

These undertakings to the Zionist Organization were made known in a declaration issued by the British Foreign Secretary, Sir Arthur James Balfour, (whose name it has borne since):

> "Foreign Office,
> 2 November 1917
>
> "Dear Lord Rothschild,
>
> I have much pleasure in conveying to you on behalf of His Majesty's Government the following declaration of sympathy with Jewish Zionist aspirations, which has been submitted to and approved by the Cabinet:
>
> 'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.'
>
> I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.
> Yours sincerely,
> Arthur James Balfour".

The pivotal role of the Balfour Declaration in virtually every phase of the Palestinian issue cannot be exaggerated. The Declaration, which determined the direction of subsequent developments in Palestine, was incorporated in the Mandate. Its implementation brought Arab opposition and revolt. It caused unending difficulties for the Mandatory in the last stages pitting British, Jews and Arabs against each other. It ultimately led to partition and to the problem as it exists today. Any understanding of the Palestine issue, therefore, requires some examination of this Declaration which can be considered the root of the problem of Palestine.

The historical background of the "Jewish national home" concept

The Balfour Declaration was the direct outcome of a sustained effort by the Zionist Organization to establish a Jewish State in Palestine.

Moved by anti-Semitism and pogroms in Eastern Europe, Theodor Herzl, founder of the Zionist

movement, wrote in *Der Judenstaat* (The Jewish State) in 1896:

> *"The Idea which I have developed in this pamphlet is a very old one: it is the restoration of the Jewish State.*
>
> *…*
>
> *Let the sovereignty be granted us over a portion of the globe large enough to satisfy the rightful requirements of a nation, the rest we shall manage for ourselves".*[9]

Herzl mentioned Palestine and Argentina but, the following year, the first Zionist Congress held in Basle declared that the goal of zionism was to "create for the Jewish people a home in Palestine secured by public law". Herzl wrote:

> *"Were I to sum up the Basle Congress in a word – which I shall guard against pronouncing publicly – it would be this: at Basle I founded the Jewish State … If I said this out loud today, I would be answered by universal laughter. Perhaps in 5 years and certainly in 50 everyone will know it."*[10]

Following rejection by the Ottoman authorities of his ideas, Herzl approached the British, German, Belgian and Italian Governments and such far-flung locations as Cyprus, East Africa and the Congo were considered, but did not materialize. The creation of a Jewish State in Palestine became the avowed aim of zionism, zealously pressed by Dr. Chaim Weizmann when he came to head the movement.

Since Palestine was an integral part of the Ottoman Empire, the Zionist Organization was cautious in declaring its aims, particularly after the young Turk revolution. The term "State" was avoided, "homeland" being used instead.

According to a Herzl associate, Max Nordau:

> *"I did my best to persuade the claimants of the Jewish State in Palestine that we might find a circumlocution that would express all we meant, but would say it in a way so as to avoid provoking the Turkish rulers of the coveted land. I suggested "Heimstätte" as a synonym for "State" … This is the history of the much commented expression. It was equivocal, but we all understood what it meant. To us it signified "Judenstaat" then and it signifies the same now".*[11]

In Herzl's words:

> *"No need to worry [about the phraseology]. The people will read it as 'Jewish State' anyhow".*[12]

Leonard Stein, authoritative historian of zionism, w

> *"If their distrust of zionism was to be disp*
> *Charter or, even worse, of an internationa*
> *room for the suspicion that the real purpose of the Zionist movement was to detach Palestine from Turkey and turn it into a Jewish State. However reluctant they might be to acknowledge that Herzl's ideas were outmoded, even the 'political' Zionists were forced to recognize that, without abandoning the essence of aspirations the movement must change its tactics"*[13]

The words of another eminent Zionist historian, who participated in the drafting of the Declaration, conform to this tactic:
"It has been said and is still being obstinately repeated by anti-Zionists again and again, that zionism aims at the creation of an independent 'Jewish State'. But this is wholly fallacious. The 'Jewish State' was never part of the Zionist programme"[14]

But the direction was clear – the goal of zionism from the start was the establishment of a Jewish State in Palestine. The rights of the people of Palestine themselves received no attention in these plans.

What the political concept of a Jewish State in Palestine needed to give it reality was to transfer people to Palestine. The religious and spiritual solidarity of the Jews in the Diaspora with the Holy Land had survived over the centuries. Despite the anti-Semitism in Europe, only small groups had emigrated to Palestine to settle in Palestine for purely religious sentiments. They numbered perhaps 50,000 at the end of the nineteenth century, and personified, or symbolized, the Jewish link to Palestine which was, in essence, spiritual.

The Zionists drew on this ancient spiritual potential to build a political movement. A stirring slogan was spread abroad:

> *"A land without people for a people without land"*

> *ignoring the fact that the Palestinians themselves, well over half a million at the turn of the century, lived in Palestine, that it was their home. The great Zionist humanist, Ahad Ha'am warned against the violation of the rights of the Palestinian people, and his words are well known in the literature of Palestine.*
>
> *"… Ahad Ha'am warned that the settlers must under no circumstances arouse the wrath of the natives … 'Yet what do our brethren do in Palestine? Just the very opposite! Serfs they were in the lands of the Diaspora and suddenly they find themselves in unrestricted freedom and this change has awakened in them an inclination to despotism. They treat the Arabs with hostility and cruelty, deprive them of their rights, offend them without cause and even boast of these deeds; and nobody among us opposes this despicable and dangerous inclination …'*
>
> *"… The same lack of understanding he found in the boycott of Arab labour proclaimed by Jewish labour … 'Apart from the political danger, I can't put up with the idea that our brethren are morally capable of behaving in such a way to humans of another people, and unwittingly the thought comes to my mind: if it is so now, what will be our relation to the others if in truth we shall achieve at the end of times power in Eretz Yisrael? And if this be the "Messiah": I do not wish to see his coming.'*
>
> *"Ahad Ha'am returned to the Arab problem … in February 1914 … '[the Zionists] wax angry towards those who remind them that there is still another people in Eretz Yisrael that has been living there and does not intend at all to leave its place. In a future when this illusion will have been torn from their hearts and they will look with open eyes upon the reality as it is, they will certainly understand how important this question is and how great our duty to work for its solution'."*[15]

But Ahad Ha'am's plea went unheeded as political zionism set about to realize its goal of a Jewish State.

Zionist efforts directed at the British Government

Dr. Weizmann's approaches to various Governments led him to conclude that zionism's strongest hopes for a Jewish State in Palestine, tentatively destined for internationalization under the Sykes-Picot agreement, lay with Great Britain. Links with British leaders were established, notably with Lloyd George, a future Prime Minister, Arthur Balfour, a future Foreign Secretary, Herbert Samuel, a future High Commissioner of Palestine, and Mark Sykes. In 1915, Samuel in a memorandum entitled *The Future of Palestine*, proposed:

> *"… the British annexation of Palestine [where] we might plant 3 or 4 million*

> *European Jews".* [16]

Weizmann describes the links built up with British leaders, commenting in particular that:

> *"One of our greatest finds was Sir Mark Sykes, Chief Secretary of the War Cabinet … I cannot say enough regarding the services rendered us by Sykes. It was he who guided our work into more official channels. He belonged to the secretariat of the War Cabinet, which contained, among others, Leopold Amery, Ormsby-Gore and Ronald Storrs. If it had not been for the counsel of men like Sykes we, with our inexperience in delicate diplomatic negotiations, would undoubtedly have committed many dangerous blunders. The need for such counsel will become evident [in] the complications which already, at that time, surrounded the status of the Near East."* [17]

Zionist leaders stressed the strategic advantages to Britain of a Jewish State in Palestine. In a letter written in 1914 to a sympathizer, Weizmann said:

> *"… should Palestine fall within the British sphere of influence, and should Britain encourage a Jewish settlement there, as a British dependency, we could have in 20 to 30 years a million Jews out there – perhaps more; they would … form a very effective guard for the Suez Canal."* [18]

Another Weizmann letter of 1916 reads:

> *"… The British Cabinet is not only sympathetic toward the Palestinian aspirations of the Jews, but would like to see these aspirations realized …*
>
> *"England … would have in the Jews the best possible friends, who would be the best national interpreters of ideas in the eastern countries and would serve as a bridge between the two civilizations. That again is not a material argument, but certainly it ought to carry great weight with any politician who likes to look 50 years ahead."*[19]

Sykes was especially valuable in helping Weizmann and his colleagues, particularly Nahum Sokolow, in trying to persuade France to renounce its residual claims in the internationalized Jerusalem agreed upon in the Sykes-Picot accord. Original French ambitions had embraced all of

Syria, including Palestine, to whose internationalization it had agreed only on strong British insistence. Sykes advised that “the Zionists should approach M. Picot and convince the French” [20] to relinquish their claims and accompanied Sokolow to Paris, reporting progress of the mission to the Foreign Office. Sokolow told Picot that “the Jews had long had in mind the sovereignty of the British Government” 21/ but Picot demurred, pointing to the interests of other Governments.

Stein recounts how the French objections were countered:

> *“The plan of campaign now began to take shape. Weizmann was to join Sykes in Egypt and go on with him to Palestine when the time was ripe. Sokolow was to see what he could do to create a more favourable atmosphere in Paris, where the Government had been disinclined to take the Zionists seriously and the leading Jews for the most part openly hostile. Sokolow’s mission was in the end to take him to Rome as well as Paris, but this was not originally planned or foreseen. An organized effort was to be made to secure the support of the American and Russian Zionists, and, if possible, of their Governments, for what was now to be put forward openly as the Zionist programme – the building up of a Jewish Commonwealth in Palestine under the aegis of Great Britain. Sykes, for his part, was getting ready to break it to Picot that Great Britain meant to insist on some form of British suzerainty in Palestine and that the French would have to reconcile themselves to the relinquishment of their claims”.* [22]

Eventually the French were persuaded to accept “the development of Jewish colonization in Palestine”[23] and let Palestine pass into the British sphere of control.

The drafting of the Declaration

Weizmann writes:

> *“The time had come, therefore, to take action, to press for a declaration of policy in regard to Palestine on the part of the British Government; and toward the end of January 1917, I submitted to Sir Mark Sykes the memorandum prepared by our committee, and had several preliminary conferences with him …*
>
> *“The document was called: ‘Outline of Programme for the Jewish Resettlement of Palestine in accordance with the Aspirations of the Zionist movement’. Its first point had to do with national recognition:*
>
> *“The Jewish population of Palestine (which in the programme shall be taken to mean both present and future Jewish population), shall be officially recognized by*

> *the Suzerain Government as the Jewish Nation, and shall enjoy in that country full civic, national and political rights. The Suzerain Government recognizes the desirability and necessity of a Jewish resettlement of Palestine."* [24]

Stein describes the initiation of the consultations between the British Government and the Zionist Organization:

> *"On 2 February 1917 a meeting of representative Zionists in London was attended by Sir Mark Sykes … ostensibly present in his private capacity, but he occupied an influential position at the Foreign Office, and was playing an important part in shaping British policy in the Middle East. The conference of February 2nd was, in fact, the starting point of a prolonged exchange of views between the Zionist Organization and the British Government … In July 1917, a formula for a proposed declaration was submitted to the Government by the Zionist representatives. This formula recognized Palestine as 'the national home of the Jewish people' and provided for the establishment of a 'Jewish National Colonising Corporation for the resettlement and economic development of the country'. The Government replied with an alternative draft which formed the basis of … the Balfour Declaration."* [25]

Actually there were six drafts exchanged and discussed between the British Government and the Zionist movement, United States assent also being obtained before the British Foreign Secretary issued the final text of the Declaration in November 1917. The process has been described by more than one authority. [26] There was no thought of consulting the Palestinians.

The final version of the Declaration received the most careful examination. The Prime Minister, David Lloyd George, is quoted as saying that the Declaration "… was prepared after much consideration, not merely of its policy but of its actual wording". [27] Jeffries says:

> *"… The first thing of all to be said of the Balfour Declaration is that it was a pronouncement which was weighed to the last pennyweight before it was issued. There was but sixty-seven words in it, and each of these … was considered at length before it was passed into the text".* [27]

This meticulous drafting process assumes significance precisely because the result of this lengthy and careful drafting was a statement remarkable for the ambiguities it carried. To quote Stein:

> *“What were the Zionists being promised? The language of the Declaration was studiously vague, and neither on the British nor on the Zionist side was there any disposition, at that time, to probe deeply into its meaning – still less was there any agreed interpretation.”* [28]

Although the Declaration had fallen short of Zionist hopes, it was considered politic not to press further. Dr. Weizmann writes:

> *“It is one of the ‘ifs’ of history whether we should have been intransigent, and stood by our guns. Should we then have obtained a better statement or would the Government have wearied of these internal Jewish divisions and dropped the whole matter? Our judgement was to accept”.* [29]

The “safeguards” in the Declaration

Yet the British Government had exercised caution where the original Zionist draft, sent to Balfour by Lord Rothschild, had proposed that “His Majesty’s Government accept(s) the principle that Palestine should be reconstituted as the national home of the Jewish people”, 30/ the official statement stated that the Government view(s) with favour the establishment of a national home for the Jewish people”. There is a significant difference – it would be a home, not the home, and would be established not reconstituted, the latter term implying a legal right.

The original Zionist draft had proposed that “His Majesty’s Government will use its best endeavours to secure the achievements of this object, and will discuss the necessary methods and means with the Zionist Organization”. [30]/ The official version stated that the Government “will use their best endeavours to facilitate the achievement of this object”. The formal recognition of the Zionist Organization as an authority, implicit in the Zionist draft, had been dropped. Weizmann was sensitive to these significant changes:

> *“A comparison of the two texts – the one approved by the Foreign Office and the Prime Minister, and the one adopted on 4 October, after Montagu’s attack – shows a painful recession from what the Government itself was prepared to offer. The first declares that “Palestine should be reconstituted as the national home of the Jewish people”. The second speaks of “the establishment in Palestine of a national home for the Jewish race”. The first adds only that the “Government will use its best endeavours to secure the achievement of this object and will discuss the necessary methods with the Zionist Organization”; the second introduced the subject of the “civil and religious rights of the existing non-Jewish communities” in such a fashion as to impute possible oppressive intentions to the Jews, and*

> *can be interpreted to mean such limitations on our work as completely to cripple it".* [31]

One of Weizmann's concerns was over a "safeguard" clause concerning the interests of the Palestinian people. Its wording is remarkable, particularly when the careful drafting of the Declaration's language is recalled. This clause does not mention the Palestinian or Arab people, whether Christian or Muslim, who compromised over 90 per cent of the population of Palestine, and who owned about 97 per cent of its land. Instead, the Declaration refers to them as the "existing non-Jewish communities in Palestine", a formulation which has been likened to calling "the multitude the non-few" or the British people "the non-Continental communities in Great Britain". [32]

Further, at a time when the principle of self-determination was being accorded recognition it was being denied to the people of Palestine. The Declaration's language seeks to prevent actions "which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine", but is singularly silent on their more fundamental political rights.

This is of particular interest because the concept of political rights is present in the very next phrase, providing "… that nothing shall be done which may prejudice … the rights and political status enjoyed by Jews in any other country". This second "safeguard" had not been proposed by the Zionist Organization, and is believed to have been the outcome of Sir Edwin Montagu's apprehensions over the repercussions of the Declaration on Jews who chose to remain in their own countries.

The meaning of the Balfour Declaration

An eminent authority in international law, Professor W. T. Mallison, writes:

> *"There is no doubt concerning the centrality of the Balfour Declaration in the Zionist-Israel juridical claims. The issue of its accurate juridical interpretation is therefore, one of very substantial importance. In view of these considerations, it is necessary to use the most reliable evidence, the primary public law source materials, for interpretational purposes. Among these sources, the negotiating history of the Declaration including the various negotiating positions, as well as the final official text, are essential".* [33]

He then summarizes the negotiating objectives of both the British Government and the Zionist Organization.

> *"The British Government had two principal political objectives during the period of the negotiations. The first was to win the war, and the second was to maximize the British power position through the ensuing peace settlement …*
>
> *"The consistent Zionist objectives before and during the negotiations were to obtain public law authority for their territorial ambitions …*
>
> *"The Zionists entered the negotiations with the expectations of obtaining their full territorial demands. These expectations, however, were necessarily limited by two objective factors. The first was that the number of Jews in Palestine during the World War was only a small fraction of the entire population of the country. The second was that the Zionists could not expect anything from the British Government which did not accord with its actual or supposed imperial interests".* [34]

Another authority states that the fact that the Declaration was:

> *"A definite contract between the British Government and Jewry represented by the Zionists is beyond question. In spirit it is a pledge that in return for service to be rendered by Jewry, the British Government would 'use their best endeavours' to secure the execution of a certain definite policy in Palestine".* [35]

The reactions to the Declaration

The Balfour Declaration became a highly controversial document. It disturbed those Jewish circles who were not in favour of the Zionist aim of the creation of a Jewish State (the "internal divisions" referred to by Weizmann). Many Jewish communities of non-Zionist convictions regarded themselves as nationals of their countries, and the concept of a "Jewish national home" created strong conflicts of loyalties, notwithstanding the clause in the Declaration assuring retention of their status in their respective countries.

Foremost among Jewish critics was Sir Edwin Montagu, Secretary of State for India and the only Jewish member of the British Cabinet. His dissent from the political nature of Zionist aims stemmed from conviction that Judaism was a universal faith, distinct from nationality, and that in the era of the modern nation-State the Jewish people did not constitute a nation. He questioned the credentials of the Zionist Organization to speak for all Jews. In secret memoranda (later made public) he wrote:

> *"Zionism has always seemed to me to be a mischievous political creed, untenable by any patriotic citizen of the United Kingdom … I have always understood that those who indulged in this creed were largely animated by the restrictions upon and refusal of liberty to Jews in Russia. But at the very time when these Jews have been acknowledged as Jewish Russians and given all liberties, it seems to be inconceivable that zionism should be officially recognized by the British Government, and that Mr. Balfour should be authorized to say that Palestine was to be reconstituted as the 'national home of the Jewish people'. I do not know what this involves, but I assume that it means that Mohammedans and Christians are to make way for the Jews, and that the Jews should be put in all positions of preference and should be peculiarly associated with Palestine in the same way that England is with the English or France with the French, that Turks and other Mohammedans in Palestine will be regarded as foreigners, just in the same way as Jews will hereafter be treated as foreigners in every country but Palestine … When the Jews are told that Palestine is their national home, every country will immediately desire to get rid of its Jewish citizens, and you will find a population in Palestine driving out its present inhabitants, taking all the best in the country …*
>
> *"I deny that Palestine is today associated with the Jews or properly to be regarded as a fit place for them to live in. The Ten Commandments were delivered to the Jews on Sinai. It is quite true that Palestine plays a large part in Jewish history, but so it does in modern Mohammedan history, and, after the time of the Jews, surely it plays a larger part than any other country in Christian history …*
>
> *"… When the Jew has a national home, surely it follows that the impetus to deprive us of the rights of British citizenship must be enormously increased. Palestine will become the world's ghetto. Why should the Russian give the Jew equal rights? His national home is Palestine".* [36]

This was very much a minority view in the British Government whose policy was summed up by Prime Minister Lloyd George:

> *"There can be no doubt as to what the [Imperial War] Cabinet then had in their minds. It was not their idea that a Jewish State should be set up immediately by the Peace Treaty without reference to the wishes of the majority of the inhabitants. On the other hand, it was contemplated that, when the time arrived for according representative institutions to Palestine, if the Jews had meanwhile responded to the opportunity afforded them and had become a definite majority of the inhabitants, then Palestine would thus become a Jewish Commonwealth. The notion that Jewish immigration would have to be artificially restricted in order*

> *that the Jews should be a permanent minority never entered the head of anyone engaged in framing the policy. That would have been regarded as unjust and as a fraud on the people to whom we were appealing”.* [37]

The implication is clear – the achievement of a Jewish majority would assure the establishment of a Jewish State. The fundamental question of the rights of the Palestinians themselves did not enter into the picture.

The implications of the Declaration

Three features of the Balfour Declaration draw attention.

One is that evidently it was not in accordance with the spirit of the pledges of independence given to the Arabs both before and after it was issued. The second is that the disposition of Palestine was determined in close consultation with a political organization whose declared aim was to settle non-Palestinians in Palestine. Not only did this ignore the interests of the native Palestinians, but it was a deliberate violation of their rights (see sect. IV below). The third is that through the Declaration the British Government made commitments to the Zionist Organization regarding the land of the Palestinians at a moment when it was still formally part of the Ottoman Empire.

One authority writes:

> *“The most significant and incontrovertible fact is, however, that by itself the Declaration was legally impotent. For Great Britain had no sovereign rights over Palestine, it had no proprietary interest, it had no authority to dispose of the land. The Declaration was merely a statement of British intentions and no more”.* [38]

Other authorities in international law have also held the Declaration to be legally invalid [39] but this was not an issue in 1917, when the Balfour Declaration became official British policy for the future of Palestine. The ambiguities and contradictions within the Declaration contributed heavily towards the conflict of goals and expectations that arose between the Palestinian Arabs and the non-Palestinian Jews. The Zionist Organization was to use the assurances for “a national home for the Jewish people” to press its plans for the colonization of Palestine on the basis of the Balfour Declaration and its implementation through the League of Nations Mandates System. The Palestinian people were to resist these efforts, since their fundamental political right to self-determination had been denied, and their land was to become the object of colonization from abroad during the period it was under a League of Nations Mandate.

III. The League of Nations Mandates

Arab nationalism and Great Power plans

Nationalist aspirations in the Arab world, including Palestine, were ascendant when the war ended. One of the foremost authorities on Middle Eastern affairs, Professor J. C. Hurewitz, writes:

> *"The demise of the Ottoman Empire, in fact, 'resolved' the Eastern question. Yet while Britain and France inherited the political controls they significantly did not annex Near and Middle East territory outright. Mandates and preferential alliances were no more than provisional arrangements, and the presence of the Western Powers in various guises stimulated the growth of local nationalism dedicated to the early realization of full sovereignty."* [40]

A major question facing the victorious European Powers was the political status of territories and peoples formerly under Ottoman rule. Of President Wilson's "Fourteen Points" outlining the framework of the peace agreements to be negotiated, the one dealing with self-determination was directly applicable to Palestine:

> *"The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development …"*

The Allied Powers, however, decided at the Paris Peace Conference of 1919 to bring these territories under the mandates system introduced by the Covenant of the League of Nations, signed on 28 June 1919, as an integral part of the Treaty of Versailles which concluded peace with Germany.

The Covenant of the League of Nations

The League of Nations was a body sui generis, established by an unprecedented agreement by the victorious States of the post-war world to establish their concept of order in international relations. The place of the colonies ruled by the victorious States and the territories detached from the defeated States was a special problem in this order.

Colonialism then was still part of the international system, although President Wilson's programme, a liberal landmark in the development of anti-colonialism, acknowledged that the concept of the right of self-determination applied equally to the non-Western part of humanity:

> *"A free, open-minded and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined."*

The League of Nations, designed to respond to the prevailing order, adopted the mandates concept, an innovation in the international system, as a way to accommodate the demands of the colonial age with the moral and political need to acknowledge the rights of the colonized.

Article 22 (full text at annex IV) of the Covenant established the Mandates System, founded on the concept of the development of such territories under the "tutelage … of advanced nations" formed "a sacred trust of civilization". The degree of tutelage was to depend on the extent of political maturity of the territory concerned. The most developed would be classified as 'A' Mandates, the less developed as 'B', and the least developed as 'C'.

The character of the Arab peoples, themselves inheritors of an ancient and advanced civilization, could not but be recognized, and the clauses directly applied to Arab lands as class 'A' Mandates read:

> *"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."*

Palestine was in no manner excluded from these provisions.

The allocation of Arab territories

Article 22 laid down no rules for the selection of the Mandatory Powers or for the distribution of mandates between them. Turkey and Germany were simply made to renounce their claims to sovereignty over the territories whose distribution was to be decided by the Allied Powers. Germany's divestiture of titles was codified in the Treaty of Versailles (article 119). In the case of Turkey, such renunciation was provided for in the Treaty of Sevres of 1920 (article 132) but, since that treaty never came into force, the renunciation of Turkish claims over non-Turkish territories was formalized in the Treaty of Lausanne. The treaties of Versailles and of Lausanne contained explicit provisions empowering the Allied Powers to apportion the "freed" territories as their mandates.

The former German territories were allotted by a decision of the Supreme Council of the Allied Powers on 7 May 1919, shortly after the signing of the Treaty of Versailles. The former Turkish territories, however, were divided at the Conference of San Remo on 25 April 1920, while a legal state of war with Turkey still existed, three years before the signing of the Treaty of Lausanne. The administration of Syria and Lebanon was awarded to France, and that of Palestine and Transjordan and of Mesopotamia (Iraq) to Great Britain.

The working of the Mandates System

All the mandates over Arab countries, including Palestine, were treated as class 'A' Mandates, applicable to territories whose independence had been provisionally recognized in the Covenant of the League of Nations. The various mandate instruments were drafted by the Mandatory Powers concerned but subject to the approval of the League of Nations.

The mandate for Iraq, while in the process of being drafted, was amended to provide for the signature of a treaty between Britain and Iraq, which was concluded in 1922. This was supplemented by further agreements, all approved by the League as meeting with the requirements of article 22 of the Covenant. Iraq obtained formal independence on 3 October 1932.

The Mandate for Syria and Lebanon did not provide for any special treatment as in the case of Iraq. Both territories were governed under the full control of France until the Mandate was terminated. Lebanon achieved full independence on 22 November 1943 and Syria on 1 January 1944.

Palestine and Transjordan (as it was then called) were included in the same Mandate but treated as distinct territories. Article 25 of the Palestine Mandate empowered Great Britain to withhold, with the League's approval, the implementation of any provision of the Mandate in Transjordan. On the request of the British Government the Council of the League, on 16 September 1922, passed a resolution effectively approving a separate administration for Transjordan. This separate administration continued until the territory attained independence as the Kingdom of Jordan on 22 March 1946.

Only in the case of Palestine did the Mandate, with its inherent contradictions, lead not to the independence provisionally recognized in the Covenant, but towards conflict that was to continue six decades later.

IV. Palestine Mandated

The contradictions inherent in the Mandate for Palestine arose from the incorporation in it of the Balfour Declaration. The importance of gaining international support for a Jewish State was recognized from the outset for several reasons:

(a) To consolidate divergent Jewish opinion behind Zionist policies;

(b) To draw the support of European Powers to harmonize with British policy;

(c) To obtain some form of international approval for the enterprise.

Weizmann is quoting as stating that the effort of zionism must be "… to make the Jewish question an international one. It means going to the nations and saying, 'we need your help to achieve our aim'".[41]

The Zionist Commission

The first move was the dispatch to Palestine in April 1918 of a Zionist Commission consisting of Dr. Weizmann and Zionist representatives from France and Italy, accompanied by British officials. The telegram to the British High Commission in Egypt outlined its task:

> *"… object of Commission is to carry out … any steps required to give effect to government declaration in favour of the establishment in Palestine of a national home for the Jewish people …*
>
> *"Among the most important functions of the Commission will be the establishment of good relations with the Arabs and other non-Jewish communities in Palestine, and to establish the Commission as the link between the military authorities and the Jewish population and Jewish interests in Palestine.*
>
> *"It is most important that everything should be done to obtain authority from the Commission in the eyes of the Jewish world, and at the same time allay Arab suspicions regarding the true aims of zionism. …"* [42]

Although formally still part of the Ottoman Empire, Palestine was under British military occupation since December 1917. Palestinian apprehension over the intents of the Balfour Declaration had been reported to London by the military authorities, and when the Zionist Commission arrived in Jerusalem, Weizmann wrote the Foreign Office:

> *"We were prepared to find a certain amount of hostility on the part of the Arabs and Syrians, based largely on misconception of our real aims, and we have always realized that one of our principal duties would be to dispel misconceptions and to endeavour to arrive at an amicable understanding with the non-Jewish elements of the population on the basis of the declared policy of His Majesty's Government. But we find among the Arabs and Syrians, or certain sections of them, a state of mind which seems to us to make useful negotiations impossible at the present*

> *moment, and so far as we are aware – though here our information may be incomplete – no official steps have been taken to bring home to the Arabs and Syrians the fact that His Majesty's Government has expressed a definite policy with regard to the future of the Jews in Palestine".* [43]

The Military Governor, Colonel (later Sir) Ronald Storrs, commented:

> *"I cannot agree that, as Dr. Weizmann would seem to suggest, it is the business of the military authorities to 'bring home to the Arabs and Syrians the fact that His Majesty's Government has expressed a definite policy with regard to the future of the Jews in Palestine'. This has already been done by Mr. Balfour in London, and by the press throughout the world. What is wanted is that the Zionists themselves should bring home to the Arabs and Syrians an exposition at once as accurate and conciliatory as possible of their real aims and policy in the country;…*
>
> *"Speaking myself as a convinced Zionist, I cannot help thinking that the Commission are lacking in a sense of the dramatic actuality. Palestine, up to now a Moslem country, has fallen into the hands of a Christian Power which on the eve of its conquest announced that a considerable portion of its land is to be handed over for colonization purposes to a nowhere very popular people. The dispatch of a Commission of these people is subsequently announced … From the announcement in the British press until this moment there has been no sign of a hostile demonstration public or private against a project which if we may imagine England for Palestine can hardly open for the inhabitants the beatific vision of a new heaven and a new earth. The Commission was warned in Cairo of the numerous and grave misconceptions with which their enterprise was regarded and strongly advised to make a public pronouncement to put an end to those misconceptions. No such pronouncement has yet been made; …"* [43]

The Commission completed its stay in Palestine, and the Zionist Organization prepared itself for the Paris Peace Conference of 1919. Proposals were submitted to the Foreign Office for consideration at the Conference. Lord Curzon (then Foreign Secretary and formerly Viceroy of India and Lord President of the Council) commented to Balfour on these proposals:

> *"… As for Weizmann and Palestine, I entertain no doubt that he is out for a Jewish Government, if not at the moment then in the near future …*
>
> *"What all this can mean except Government I do not see. Indeed a Commonwealth as defined in my dictionary is a 'body politic' a 'State' an*

> *'independent community' a 'republic'.*
>
> *"I feel tolerably sure therefor that while Weizmann may say one thing to you, or while you may mean one thing by a national home, he is out for something quite different. He contemplates a Jewish State, a Jewish nation, a subordinate population of Arabs, etc. ruled by Jews; the Jews in possession of the fat of the land, and directing the Administration.*
>
> *"He is trying to effect this behind the screen and under the shelter of British trusteeship.*
>
> *"I do not envy those who wield the latter, when they realize the pressure to which they are certain to be exposed. …"* [44]

The Paris Peace Conference

The delegation of the Hijaz (now Saudi Arabia), led by Sherif Husain's son, Emir Feisal, was the only Arab delegation at the Conference, and presented the Arab case for independence, although their credentials were not recognized by all Arab leaders. Feisal relied heavily for guidance on the British Government, which had sponsored his participation in the Conference. His position is described by George Antonius:

> *"… the pressure to which he was being subjected in London was telling on him. He felt keenly the insufficiency of his equipment, his ignorance of English, his unfamiliarity with the methods of European diplomacy … It added to his sense of weakness and isolation that he knew the French to be hostile to his person and to his mission: apart from the scant courtesy with which he had been treated on his passage through France, he had had a multitude of signs to show him that his own distrust of the French was unfeignedly reciprocated. He allowed himself to be persuaded that his chances of neutralizing the hostility of the French would be greater if he could see his way to meeting Great Britain's wishes to the fullest possible extent."* [45]

Feisal apparently did not fully appreciate the implications of Zionist aims. He could play no significant role in the Conference and, influenced by British officials, he presented a brief memorandum dated 1 January 1919 to the Paris Peace Conference, outlining the case for the independence of Arab countries. The paragraph relating to Palestine reads, in stilted and peculiar language:

> *"In Palestine, the enormous majority of the people are Arabs. The Jews are very close to the Arabs in blood, and there is no conflict of character between the two races. In principles we are absolutely at one. Nevertheless, the Arabs cannot risk assuming the responsibility of holding level the scales in the clash of races and religions that have, in this one province, so often involved the world in difficulties. They would wish for the effective super-position of a great trustee, so long as a representative local administration commended itself by actively promoting the material prosperity of the country."* [46]

It is evident that although prompted to say that "there is no conflict of character between the two races … In principles we are absolutely at one", Feisal in no manner consented to the establishment of a Jewish State in Palestine, but only implied acceptance of a mandate.

The ambiguity in the wording of Feisal's proposals might have stemmed not only from his unfamiliarity with international diplomacy, but also from the need to retain flexibility for the political ambitions of Sherif Husain and his sons to extend their suzerainty over as wide an area as possible. Thus Feisal's claim to being an interlocuteur valable has been questioned by Palestinian leaders. The significant point is the absence of representation of the Palestinian principals in decision on their fate, a characteristic also of subsequent rulings on Palestine.

Both Weizmann and Sokolow spoke before the Conference, where the Zionist Organization presented a detailed memorandum (drafted by a Committee including Samuel and Sykes), whose introductory portions, suggesting the alienation of Palestinian sovereignty, read:

> *"The Zionist Organization respectfully submits the following draft resolutions for the consideration of the Peace Conference:*
>
> 1. *The High Contracting Parties recognize the historic title of the Jewish people to Palestine and the right of the Jews to reconstitute in Palestine their national home …*
> 2. *The sovereign possession of Palestine shall be vested in the League of Nations and the Government entrusted to Great Britain as Mandatory of the League …*
> 3. *The Mandate shall be subject also to the following special conditions:*
>
> *(1) Palestine shall be placed under such political, administrative and economic conditions as will secure the establishment there of the Jewish national home and ultimately render possible the creation of an autonomous Commonwealth …"* [47]

However, during meetings on the mandates question of the Allied Supreme Council, President Wilson declared that "one of the fundamental principles to which the United States of America adhered was the consent of the governed" and proposed the dispatch of an inter-allied commission "… to elucidate the state of opinion and the soil to be worked on by any mandatory". This proposal materialized in the "King-Crane" Commission, and it was agreed that its jurisdiction would include Palestine.[48]

The King-Crane Commission

For their own reasons both Britain and France did not nominate members to the Commission. According to Anthony Nutting, "Britain and France backed out rather than find themselves confronted by recommendations from their own appointed delegates which might conflict with their policies". [49] President Wilson appointed two Americans, Henry King and Charles Crane.

Soon after the Commission arrived in Damascus, Arab nationalists, meeting as the "General Syrian Congress", including representatives from Lebanon and Palestine, adopted a resolution to be presented to the Commission. The resolution asked for full independence for Syria (including Lebanon and Palestine), rejecting any form of foreign influence or control. The resolution included the first formal declaration of Arab opposition to the plans being made for Palestine:

> *"We oppose the pretensions of the Zionists to create a Jewish Commonwealth in the southern part of Syria, known as Palestine, and oppose Zionist migration to any part of our country, for we do not acknowledge their title but consider them a grave peril to our people from the national, economical, and political points of view. Our Jewish compatriots shall enjoy our common rights and assume the common responsibilities."*[50]

The Commission's report recommended that, in view of the opposition to French influence, consideration be given to an American mandate over Syria. The portions dealing with Palestine recommended:

> *"… serious modification of the extreme Zionist programme for Palestine of unlimited immigration of Jews, looking finally to making Palestine distinctly a Jewish State …"*

Referring to President Wilson's preparation of the principle of self-determination, the Commission stated:

> *"If that principle is to rule, and so the wishes of Palestine's population are to be decisive as to what is to be done with Palestine, then it is to be remembered that the non-Jewish population of Palestine – nearly nine-tenths of the whole – are emphatically against the entire Zionist programme. The tables show that there was no one thing upon which the population of Palestine were more agreed than upon this. To subject a people so minded to unlimited Jewish immigration, and to steady financial and social pressure to surrender the land, would be a gross violation of the principle just quoted, and of the peoples' rights though it kept within the forms of law;…*
>
> *"The Peace Conference should not shut its eyes to the fact that the anti-Zionist feeling in Palestine and Syria is intense and not lightly to be flouted. No British Officer consulted by the Commissioners believed that the Zionist programme could be carried out except by force of arms. The officers generally thought that a force of not less than 50,000 soldiers would be required even to initiate the programme. That of itself is evidence of a strong sense of the injustice of the Zionist programme, on the part of the non-Jewish populations of Palestine and Syria. Decisions, requiring armies to carry out, are sometimes necessary, but they are surely not gratuitously to be taken in the interests of a serious injustice. For the initial claim, often submitted by Zionist representatives, that they have a "right" to Palestine, based on an occupation of two thousand years ago, can hardly be seriously considered."*[51]

Allied policy on Palestine

The Commission's recommendations received little attention and in any case were to become moot with the United States' decision to stay out of the League. Meanwhile, the actual policy for Palestine was being given final shape. Balfour told Justice Brandeis, leader of the Zionist movement in the United States:

> *"The situation is further complicated by an agreement made early in November (1918) by the British and French, and brought to the President's attention, telling the people of the East that their wishes would be consulted in the disposition of their future;… Palestine should be excluded from the terms of reference because the Powers had committed themselves to the Zionist programme which inevitably excluded numerical self-determination. Palestine presented a unique situation. We are dealing not with the wishes of an existing community but are consciously seeking to reconstitute a new community and definitely building for a numerical majority in the future …"* [52]

In a memorandum to Lord Curzon on 11 August 1919, Balfour candidly wrote:

> *"The contradiction between the letters of the Covenant and the policy of the Allies is even more flagrant in the case of the 'independent nation' of Palestine than in that of the 'independent nation' of Syria. For in Palestine we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country, though the American Commission has been going through the form of asking what they are.*
>
> *"The four Great Powers are committed to zionism. And zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land.*
>
> *"In my opinion that is right. What I have never been able to understand is how it can be harmonized with the (Anglo-French) declaration of November 1918, the Covenant, or the instructions to the Commission of Enquiry.*
>
> *"I do not think that zionism will hurt the Arabs, but they will never say they want it. Whatever be the future of Palestine, it is not now an 'independent nation', nor is it yet on the way to become one. Whatever deference should be paid to the view of those living there, the Powers in their selection of a mandatory do not propose, as I understand the matter, to consult them. In short, so far as Palestine is concerned, the Powers have made no statement of fact which is not admittedly wrong, and no declaration of policy which, at least in the letter, they have not always intended to violate;…"* [53]

The final disposition of Palestine was decided by the Allied Supreme Council at the San Remo Conference on 25 April 1920. The process has been described as follows:

> *"The allocation of the Mandate was for several reasons a slow process. In the first place, it hung upon the Anglo-French agreement as to the validity of the Sykes-Picot arrangements for the whole of the ex-Turkish territories, and this was held up by discord over Syria and Mosul, involving discussions très vives de ton between Clemenceau and Mr. Lloyd George. As a result of the compromise, Palestine, which had under the Sykes-Picot plan been destined for international administration, in the end passed by mutual consent into British tutelage."* [54]

The decision was taken without any heed to the requirement of article 22 of the Covenant that "the

wishes of these communities must be a principal consideration in the selection of a Mandatory".

The decision of the Allied Powers to support Zionist aims drew protest from Palestinians. Citizens of Nazareth reminded the British Administrator in Jerusalem:

> *"In view of the declaration of the decision of the Peace Conference regarding the establishment of a Jewish national home in Palestine, we hereby beg to declare that we are the owners of this country and the land is our national home …"* [55]

The drafting of the Palestine Mandate

Undeterred, the Zionist Organization pressed to obtain international support for its aims by securing approval from the League of Nations. Weizmann writes that his advisers:

> *"… fought the battle of the Mandate for many months. Draft after draft was proposed, discussed and rejected, and I sometimes wondered if we should ever reach a final text. The most serious difficulty arose in connection with a paragraph in the Preamble – the phrase which now reads: 'Recognizing the historic rights of the Jews to Palestine'. But Curzon would have none of it, remarking dryly: 'If you word it like that, I can see Weizmann coming to me every other day and saying he has a right to do this, that, or the other in Palestine! I won't have it!' As a compromise, Balfour suggested 'historial connection', and 'historical connection' it was." 56/*

The wording of the Mandate was the object of strong opinions within the British Government, with Curzon strongly resisting formulations that would imply recognition of any legal rights for the Zionist movement in Palestine. Excerpts from official memoranda are informative:

On a draft to the effect that the British Government would be:

> *"responsible for placing Palestine under such political, administrative and economic conditions as will secure the establishment of a Jewish national home and the development of a self-governing Commonwealth …"*

Curzon commented:

> *"… development of a self-governing Commonwealth'. Surely most dangerous. It is an euphemism for a Jewish State, the very thing they accepted and that we disallow;…*
>
> *"The Zionists are after a Jewish State with the Arabs as hewers of wood and drawers of water.*
>
> *"So are many British sympathisers with the Zionists.*
>
> *"Whether you use the word Commonwealth or State that is what it will be taken to mean.*
>
> *"That is not my view. I want the Arabs to have a chance and I don't want a Hebrew State.*
>
> *"I have no idea how far the case has been given away to the Zionists. If not I would prefer 'self-governing institutions'. I have never been consulted as to this Mandate at an earlier stage, nor do I know from what negotiations it springs or on what undertakings it is based … I think the entire concept wrong.*
>
> *"Here is a country with 580,000 Arabs and 30,000 or is it 60,000 Jews (by no means all Zionists). Acting upon the noble principles of self-determination and ending with a splendid appeal to the League of Nations, we then proceed to draw up a document which … is an avowed constitution for a Jewish State. Even the poor Arabs are only allowed to look through the keyhole as a non-Jewish community." 57/*

The Zionist Organization was being consulted in the drafting of the Mandate although Curzon disapproved:

> *"I told Dr. Weizmann that I could not admit the phrase (historical connection) in the preamble … It is certain to be made the basis of all sorts of claims in the future. I do not myself recognize that the connection of the Jews with Palestine, which terminated 1,200 years ago, gives them any claim whatsoever … I would omit the phrase. I greatly dislike giving the draft to the Zionists, but in view of the indiscretions already committed, I suppose that this is inevitable …" 58/*

Balfour, by then Lord President of the Council, continued to help Weizmann. In a memorandum on the Mandate for the British Cabinet, Curzon wrote:

> *"… this Mandate … has passed through several revisions. When it was first shown to the French Government it at once excited their vehement criticism on the ground of its almost exclusively Zionist complexion and of the manner in which the interests and rights of the Arab majority … were ignored. The Italian Government expressed similar apprehensions … The Mandate, therefore, was largely rewritten, and finally received their assent;…*
>
> *"In the course of these discussions strong objection was taken to a statement which had been inserted in the Preamble of the first draft to the following effect:*
>
> *'Recognizing the historical connection of the Jewish people with Palestine and the claim which this gives them to reconstitute Palestine as their national home.'*
>
> *"It was pointed out (1) that, while the Powers had unquestionably recognized the historical connection of the Jews with Palestine by their formal acceptance of the Balfour Declaration and their textual incorporation of it in the Turkish Peace Treaty drafted at San Remo, this was far from constituting anything in the nature of a legal claim, and that the use of such words might be, and was, indeed, certain to be used as the basis of all sorts of political claims by the Zionists for the control of Palestinian administration in the future, and (2) that, while Mr. Balfour's Declaration had provided for the establishment of a Jewish national home in Palestine, this was not the same thing as the reconstitution of Palestine as a Jewish national home – an extension of the phrase for which there was no justification, and which was certain to be employed in the future as the basis for claims of the character to which I have referred.*
>
> *"On the other hand, the Zionists pleaded for the insertion of some such phrase in the preamble, on the ground that it would make all the difference to the money that they aspired to raise in foreign countries for the development of Palestine.*
>
> *"Mr. Balfour, who interested himself keenly in their case, admitted, however, the force of the above contentions and, on the eve of leaving for Geneva, suggested an alternative form of words which I am prepared to recommend."* [59]

When the question of the British Mandate over Palestine was discussed in Parliament, it became clear that opinion in the House of Lords was strongly opposed to the Balfour policy, as illustrated by the words of Lord Sydenham in reply to Lord Balfour:

> *"… the harm done by dumping down an alien population upon an Arab country – Arab all around in the hinterland – may never be remedied … what we have done*

> *is, by concessions, not to the Jewish people but to a Zionist extreme section, to start a running sore in the East, and no one can tell how far that sore will extend."*
> *60*

The House of Lords voted to repeal the Balfour Declaration, but a similar motion was defeated in the House of Commons and the British Government formally accepted the Mandate.

The Zionist Organization however, succeeded in having its formulation concerning "historical connection" and "reconstitution" of the "national home" included in the final text of the Mandate (annex V) which was approved by the League of Nations on 24 July 1922, and came into formal effect in September 1923 when the Treaty of Lausanne with Turkey came into force. It thus gave international sanction – which then meant the sanction of the victorious Allied Powers – to the Balfour Declaration, and determined the direction of developments in Palestine. The important clauses of the Mandate read:

> *"Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on 2 November, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and*
>
> *"Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country;*
>
> *"Article 1: The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this Mandate.*
>
> *"Article 2: The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.*
>
> *"Article 4: An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and,*

> *subject always to the control of the Administration, to assist and take part in the development of the country.*
>
> *"The Zionist Organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.*
>
> *"Article 6: The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes."*

The Mandate provided for no body to serve the interests of the Palestinian people, similar to the Jewish Agency given official status. Nor were the Palestinians ever consulted in the choice of the mandatory, as required by article 22 of the Covenant. The only move towards consultation had been the American King-Crane Commission, whose views were ignored. The United States, however, had become associated with the Balfour Declaration's policy through a joint Congressional resolution incorporating the Declaration's language. [61] Three years later the Anglo-American Convention of 1925 formalized United States' consent to the implementation of a Mandate 61/ embedded with conflicting obligations, and in which the inherent political rights of the Palestinian people had been overridden.

The borders of Palestine

Zionist ambitions for the national home had sought considerably more territory, extending into Lebanon, Syria, Transjordan, and Egypt, than was actually assigned to the Mandatory Power. The Zionist Organization's initial proposal asked that the Jewish national home be established within the following borders:

> *"… In the north, the northern and southern banks of the Litany River, as far north as latitude 33° 45'. Thence in a south-easterly direction to a point just south of the Damascus territory and close and west of the Hedjaz Railway.*
>
> *"In the east, a line close to and west of the Hedjaz Railway.*
>
> *"In the south, a line from a point in the neighbourhood of Akaba to El Arish.*

> *"In the west, the Mediterranean Sea.*
>
> *"The details of the delimitation should be decided by a Boundary Commission, one of the members of which should be a representative of the Jewish Council for Palestine hereinafter mentioned.*
>
> *"There should be a right of free access to and from the Red Sea, through Akaba, by arrangement with the Arab Government …"*

The map covered by these proposed frontiers is shown in the map at annex VI.

These Zionist claims were not admitted, and the borders of Palestine enclosed a far more restricted area (also shown in the map) within which Great Britain exercised its mandate.

The question of the validity of the Mandate

It is clear that by failing to consult the Palestinian people in the decision on the future of their country, the victorious Powers ignored not only the principle of self-determination that they themselves had endorsed, but also the provisions of Article 22 of the League's Covenant.

Even during the mandate, the Palestinians protested against this denial of their fundamental rights. The report of the Royal Commission (of 1937) records these protests:

> *"… though the Mandate was ostensibly based on Article 22 of the Covenant of the League of Nations, its positive injunctions were not directed to the 'well-being and development' of the existing Arab population but to the promotion of Jewish interests. Complete power over the legislation as well as administration was delegated to the Mandatory, who undertook to place the country under such political, administrative and economic conditions as would secure the establishment of the Jewish national home …*
>
> *"… One member of the Arab Higher Committee dealt more closely with the legal argument. He remarked that the terms of the Mandate are inconsistent with the provisions of Article 22 of the Covenant of the League of Nations. Paragraph 4 of that Article recognizes the existence of two juristic persons – one the community which should govern independently and the other the foreigner who is to assist and advise until the former is able to stand alone. But in Palestine there is one person who governs and who assists himself. Your Majesty is the Mandatory and Your Majesty's Government and their nominees are the Government of Palestine and, while the Preamble speaks of a Mandate, article 1 denies the existence of a Mandate in the proper sense by conferring upon what is called 'the Mandatory' full*

> *powers of legislation and administration. The community which is to be provisionally recognized as independent has no existence …"* [62]

From among the several authorities of international law who have questioned the validity of the Mandate, the views of Professor Henry Cattan may be quoted:

> *"The Palestine Mandate was invalid on three grounds set out hereinafter.*
>
> *"1. The first ground of invalidity of the Mandate is that by endorsing the Balfour Declaration and accepting the concept of the establishment of a Jewish national home in Palestine it violated the sovereignty of the people of Palestine and their natural rights of independence and self-determination. Palestine was the national home of the Palestinians from time immemorial. The establishment of a national home for an alien people in that country was a violation of the legitimate and fundamental rights of the inhabitants. The League of Nations did not possess the power, any more than the British Government did, to dispose of Palestine, or to grant to the Jews any political or territorial rights in that country. In so far as the Mandate purported to recognize any rights for alien Jews in Palestine, it was null and void.*
>
> *"2. The second ground of invalidity of the Mandate is that it violated, in spirit and in letter, Article 22 of the Covenant of the League of Nations, under the authority of which it purported to be made. The Mandate violated Article 22 in three respects:*
>
> *"(a) The Covenant had envisaged the Mandate as the best method of achieving its basic objective of ensuring the well-being and development of the peoples inhabiting the Mandated Territories.*
>
> *"Was the Palestine Mandate conceived for the well-being and development of the inhabitants of Palestine? The answer is found in the provisions of the Mandate itself. The Mandate sought the establishment in Palestine of a national home for another people, contrary to the rights and wishes of the Palestinians … It required the Mandatory to place the country under such political, administrative and economic conditions as would secure the establishment of a Jewish national home. It required the Mandatory to facilitate Jewish immigration into Palestine. It provided that a foreign body known as the Zionist Organization should be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in matters affecting the establishment of the Jewish national home. It is clear that, although the Mandates System was conceived in the interest of the inhabitants of the Mandated Territory, the Palestine Mandate*

was conceived in the interest of an alien people originating from outside Palestine, and ran counter to the basic concept of mandates. As Lord Islington observed when he opposed the inclusion of the Balfour Declaration in the Palestine Mandate: "The Palestine Mandate is a real distortion of the mandatory system". The same distinguished Lord added:

"When one sees in Article 22 … that the well-being and development of such peoples should form a sacred trust of civilization, and when one takes that as the note of the mandatory system, I think your Lordships will see that we are straying down a very far path when we are postponing self-government in Palestine until such time as the population is flooded with an alien race."

"(b) The Palestine Mandate also ran counter to the specific concept of mandates envisaged by Article 22 for countries detached from Turkey at the end of the First World War. In the case of those countries, the intention was to limit the Mandate to the rendering of temporary advice and assistance. It is doubtful whether the people of Palestine, as also other Arab peoples detached from Turkey, were in need of administrative advice and assistance from a Mandatory. Their level of culture was not inferior to that existing at the time in many of the nations that were Members of the League of Nations. Such Arab communities had actively participated with the Turks in the government of their country. Their political maturity and administrative experience were comparable to the political maturity and administrative experience of the Turks, who were left to stand alone.

"Be that as it may, the framers of the Palestine Mandate did not restrict the Mandatory's role to the rendering of administrative advice and assistance, but granted the Mandatory 'full powers of legislation and administration' (Article 1). Such 'full powers of legislation and administration' were not laid down in the interest of the inhabitants, but were intended to be used, and in fact were used, to establish by force the Jewish national home in Palestine. Clearly this was an abuse of the purpose of the Mandate under the Covenant and a perversion of its raison d'être.

"The whole concept of the Palestine Mandate stands in marked contrast to the Mandate for Syria and Lebanon which was given to France on 24 July 1922. This Mandate conformed to Article 22 of the Covenant …

"… The third ground of invalidity of the Mandate lies in the fact that its endorsement and implementation of the Balfour Declaration conflicted with the assurances and pledges given to the Arabs during the First World War by Great Britain and the Allied Powers. The denial to the Palestine Arabs of their independence and the subjection of their country to the immigration of a foreign people were a breach of those pledges." [63]

At the time that the Mandate was established, however, the people of Palestine were unable to question or to challenge it, and the process of establishing the “Jewish national home” commenced.

V. Mandated Palestine: The “Jewish National Home”

The course of the Mandate

While the Mandate in principle required the development of self-governing institutions, its preamble and operative articles left no doubt that the principal thrust would be the implementation of the Balfour Declaration and the establishment of the “Jewish national home”. British policy in Palestine during the period of the Mandate was directed to this end but, on facing strengthening Palestinian resistance, from time to time was adjusted to the force of circumstance. The basic policy was elaborated in 1922 (in the “Churchill Memorandum”) and a pattern developed, by which an outburst of violent Palestinian resistance would be followed by an official inquiry Commission which would recommend modifications, but pressure from the Zionist Organization would veer official policy back to its main direction. This was the prevalent pattern in the 1920s but, as the Palestinian resistance strengthened, British policy was obliged to take into consideration the fact that the Palestinian people would not acquiesce in the alienation of their rights. By the end of the 1930s, Palestine became the scene of full-scale violence as the Palestinians rebelled for independence, the Zionists retaliated to hold the ground they had gained, and the British Government strove to control a situation, created by the Mandate, which was fast sliding into war.

The start of the Mandate

The British Mandate acquired jurisdiction *de jure* over Palestine in September 1923 following conclusion with Turkey of the Treaty of Lausanne. Before this, the de facto administration was first in the form of a military government from December 1917 to June 1920, with a civilian High Commissioner, Sir Herbert Samuel, taking office on 1 July 1920. In March 1921, ministerial responsibility for Palestine (along with other Mandated Territories), was transferred from the Foreign Office to the Colonial Office under Sir Winston Churchill.

The Balfour Declaration was first officially made public in Palestine only in 1920 after the installation of the civilian administration, having been kept officially confidential until then to minimize the chances of disorder caused by the protests that were anticipated from the Palestinians. Of course, the nature and object of the Declaration and the policy it sought to introduce had quickly become common knowledge. It had led quickly to violent conflict in Palestine. In London, a delegation from the Moslem-Christian Association of Palestine tried in 1921 and 1922 to present the Palestinian case to counter the sustained influence of the Zionist Organization on British authorities in both London and Jerusalem.

The "Churchill Memorandum"

The British Government moved to elaborate its policy in a statement (referred to as the "Churchill Memorandum") of 1 July 1922:

This statement disclaimed any intent to create "a wholly Jewish Palestine" or to effect "the subordination of the Arab population, language or culture in Palestine". But, at the same time, the statement, to assuage the Jewish community, made it clear that:

> *"… The Balfour Declaration, reaffirmed by the Conference of the Principal Allied Powers at San Remo and again in the Treaty of Sèvres, is not susceptible of change … in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish national home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection …*
>
> *"For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals".* [64]
>
> *The "Churchill Memorandum" thus reaffirmed the Balfour Declaration, and the "historic connection" of the Jews with Palestine, asserting their presence was "as of right and not as sufferance". Immigration was to be subject only to the economic absorptive capacity of Palestine. Despite the assurances to the Palestinians, there was no doubt left that the principal object of the Churchill policy was to establish the "Jewish national home".*

That indeed this was the intention was reiterated by Churchill several years afterwards, when he said that the intention of the 1922 White Paper was "to make it clear that the establishment of self-governing institutions in Palestine was to be subordinated to the paramount pledge and obligation of establishing a Jewish national home in Palestine". [65] Faced with this determined effort concerted between a Great Power and a Jewish organization that had demonstrated its strength and influence, the Palestinian people refused to acquiesce in the scheme. They refused to join in the Churchill plan of setting up a legislative council to further these schemes, and they protested against the policy that strengthened the drive towards a Jewish "national home" in Palestine despite the strong opposition of the Palestinians, who declared:

> *"… We wish to point out here that the Jewish population of Palestine who lived there before the War never had any trouble with their Arab neighbours. They enjoyed the same rights and privileges as their fellow Ottoman citizens, and never agitated for the Declaration of November 1917. It is the Zionists outside Palestine who worked for the Balfour Declaration …*
>
> *"We therefore here once again repeat that nothing will safeguard Arab interests in Palestine but the immediate creation of a national government which shall be responsible to a Parliament of all whose members are elected by the people of the country – Moslems, Christians and Jews …*
>
> *"… [Otherwise] we see division and tension between Arabs and Zionists increasing day by day and resulting in general retrogression. Because the immigrants dumped upon the country from different parts of the world are ignorant of the language, customs and character of the Arabs, and enter Palestine by the might of England against the will of the people who are convinced that these have come to strangle them. Nature does not allow the question of a spirit of co-operation between two peoples so different, and it is not to be expected that the Arabs would bow to such a great injustice, or that the Zionists would so easily succeed in realizing their dreams …"* [66]

The "Churchill policy" secured the road for the Zionist Organization towards its goal of a Jewish State in Palestine made possible by the Balfour Declaration.

Two of the principal means advocated by the Zionist Organization for achieving the national home were large-scale immigration and land purchase. A third was the denial of employment to Palestinian labour.

The King-Crane Commission had reported that Jewish colonists were planning a radical transformation of Palestine:

> *"The fact came out repeatedly in the Commission's conference with Jewish representatives, that the Zionists looked forward to a practically complete dispossession of the present non-Jewish inhabitants of Palestine, by various forms of purchase". 67/*

Large scale immigration had started under the aegis of the Balfour Declaration soon after the war ended, and had already led to violent opposition by Palestinians in 1920 and 1921. With the endorsement of the Churchill policy, immigration accelerated, reaching a peak in 1924-1926, but

soon sharply declined. At this point, Weizmann records:

> *"The Balfour Declaration of 1917 was built on air … every day and every hour of these last 10 years, when opening the newspapers, I thought: Whence will the next blow come? I trembled lest the British Government would call me and ask: 'Tell us, what is this Zionist Organization? Where are they, your Zionists?' … The Jews, they knew, were against us; we stood alone on a little island, a tiny group of Jews with a foreign past."*

The table below shows immigration figures during the 1920s.

Immigration into Palestine, 1920-1929 [68]

	Recorded immigration	
Year	**Jews**	**non-Jews**
1920 (September-October)	5 514	202
1921	9 149	190
1922	7 844	284
1923	7 421	570
1924	12 856	697
1925	33 801	840
1926	13 081	829
1927	2 713	882
1928	2 178	908
1929	5 249	1 31

Thus during the decade about 100,000 Jewish immigrants entered Palestine, far short of the

numbers envisaged by the Zionist Organization, but substantial enough to make a marked impact in a country where the total population in 1922 was officially estimated at about 750,000. [69] In absolute terms the Jewish population more than doubled, and in percentage terms rose from below 10 per cent to over 17 per cent during this period.

Immigration was virtually under the control of Zionist organizations, as described in the report of an official Commission:

> *"… We were informed by the Chief Immigration Officer that in the allocation to individuals of the certificates which are supplied in blank to the General Federation of Jewish Labour, it is the practice of that body to have regard to the political creed of the several possible immigrants rather than to their particular qualifications for admission to Palestine. It is clearly the duty of the responsible Jewish authorities to select for admission to Palestine those of the prospective immigrants who are best qualified on personal grounds to assist in the establishment of a Jewish national home in that country: that political creed should be a deciding factor in the choice between applicants is open to the strongest exception".* [70]

Similarly, a number of Jewish organizations such as the Colonisation Department of the Zionist Organization, financed by the Keren ha-Yesod, were actively engaged in acquisition of land both for individual immigrant families as well as for the Yishuv or Jewish settlements. Several of these organizations had been operating since the nineteenth century, notably the Palestine Jewish Colonisation Association (PICA)*. With the British occupation of Palestine in 1918 all land transactions were suspended. The registers were reopened in 1920, at which time it was estimated that Jewish land acquisitions stood at about 650,000 dunums** or 2.5 per cent of the total land area of 26 million dunums). [71] By the end of the decade this figure had nearly doubled to 1,200,000 dunums, just below 5 per cent. [72]

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* *PICA was the Palestinian section of ICA (Jewish Colonisation Association) led by Baron Maurice de Hirsch. The aim of ICA was to support Jewish emigration from Europe and Asia to other parts of the world; to create agricultural settlements in North and South America; and to obtain authorization and autonomy for these settlements.*

** *1 dunum = approx. 1,000 sq. metres or 1/4 acre (1 sq. mile = approx. 2,560 dunums).*

A strict policy of what in today's terms would be described as racial discrimination was maintained by the Zionist Organization in this rapid advance towards the "national home". Only Jewish labour could service Jewish farms and settlements. The eventual outcome of this trend was a major outbreak of violence with unprecedented loss of life in 1929, which was investigated by the Shaw Commission. Another commission headed by Sir John Hope Simpson followed to investigate questions of immigration and land transfers. Certain observations of the Hope Simpson Commission are of interest, particularly on labour and employment policies.

The Commission went into great detail in its report, dividing Palestine into areas according to cultivability, and estimating total cultivable land at about 6.5 million dunums of which about a sixth was in Jewish hands. [73]

The report described in some detail the employment policies of the Zionist agencies quoting some of their provisions:

> *"The effect of the Jewish colonization in Palestine on the existing population is very intimately affected by the conditions on which the various Jewish bodies hold, sell and lease their land.*
>
> *"The Constitution of the Jewish Agency: Land Holding and Employment Clauses …*
>
> *"(d) Land is to be acquired as Jewish property and … the same shall be held as the inalienable property of the Jewish people.*
>
> *"(e) The Agency shall promote agricultural colonization based on Jewish labour … it shall be deemed to be a matter of principle that Jewish labour shall be employed …"*
>
> *"Keren Kayemet draft lease: Employment of Jewish labour only*
>
> *"… The lessee undertakes to execute all works connected with the cultivation of the holding only with Jewish labour. Failure to comply with this duty by the employment of non-Jewish labour shall render the lessee liable to the payment of compensation …"*
>
> *"The lease also provides that the holding shall never be held by any but a Jew …"*
>
> *"Keren ha-Yesod agreements: Employment of labour*

The following provisions are included:

> *'Article 7 – The settler hereby undertakes that … if and whenever he may be obliged to hire help, he will hire Jewish workmen only.'*

"In the similar agreement for the Emek colonies, there is a provision as follows:

> *'Article 11 – The settler undertakes … not to hire any outside labour except Jewish labourers.'"* [74]

Commenting on the Zionist attitude towards the Palestinians, the report noted the Zionist policy of allaying Arab suspicions:

> *"Zionist policy in regard to Arabs in their colonies. The above-quoted provisions sufficiently illustrate the Zionist policy with regard to the Arabs in their colonies. Attempts are constantly being made to establish the advantage which Jewish settlement has brought to the Arab. The most lofty sentiments are ventilated at public meetings and in Zionist propaganda. At the time of the Zionist Congress in 1931 a resolution was passed which 'solemnly declared the desire of the Jewish people to live with the Arab people, to develop the homeland common to both into a prosperous community which would ensure the growth of the peoples'. This resolution is frequently quoted in proof of the excellent sentiments which zionism cherishes towards the people of Palestine. The provisions quoted above, which are included in legal documents binding on every settler in a Zionist colony, are not compatible with the sentiments publicly expressed."* [75]

At the same time, the Commission, rejecting Zionist arguments in support of their discriminatory policies, considered that they violated the Mandate:

> *"Policy contrary to article 6 of Mandate … The principle of the persistent and deliberate boycott of Arab labour in the Zionist colonies is not only contrary to the provisions of that article of the Mandate, but it is in addition a constant and increasing source of danger to the country."* [76]

The report noted in the strongest terms the effect on indigenous Palestinians of Zionist policies.

> *"The effect of the Zionist colonization policy on the Arab. Actually the result of the purchase of land in Palestine by the Jewish National Fund has been that land has been extraterritorialized. It ceases to be land from which the Arab can gain any advantage either now or at any time in the future. Not only can he never hope to lease or to cultivate it, but, by the stringent provisions of the lease of the Jewish National Fund, he is deprived for ever from employment on that land. Nor can anyone help him by purchasing the land and restoring it to common use. The land is in mortmain and inalienable. It is for this reason that Arabs discount the professions of friendship and goodwill on the part of the Zionists in view of the policy which the Zionist Organization deliberately adopted."*[75]
>
> *"Land available for settlement. It has emerged quite definitely that there is at the present time and with the present methods of Arab cultivation no margin of land available for agricultural settlement by new immigrants with the exception of such undeveloped land as the various Jewish agencies hold in reserve."* [77]

These developments in Palestine at the end of the 1920s – the 1929 Palestinian revolt and the reports of the Shaw and Hope Simpson Commissions – heightened awareness of the dangerous situation in Palestine as the Zionist drive towards a Jewish State met increasing Palestinian opposition. While reinforcing its military strength in Palestine, Great Britain issued a new statement of policy, called the Passfield White Paper of October 1930, in an effort to control the pressures that were building.* While criticizing both Jewish leaders for exerting pressure to obtain official compliance with Zionist wishes in matters of immigration and land transfers, and Palestinians for demanding self-determination which "… would render it impossible;… to carry out, in the fullest sense, the double undertaking", 78/ the 1930 policy, attempted to introduce an important change in emphasis from the Churchill paper which gave first priority to establishing the Jewish State. The Passfield paper commented:

> *"… attempts have been made to argue, in support of Zionist claims, that the principal feature of the Mandate is the passages regarding the Jewish national home, and that the passages designed to safeguard the rights of the non-Jewish community are merely secondary considerations qualifying, to some extent, what is claimed to be the primary object for which the Mandate has been framed …*
>
> *"It is a difficult and delicate task of His Majesty's Government to devise means whereby, in the execution of its policy in Palestine, equal weight shall at all times be given to the obligations laid down with regard to the two sections of the population and to reconcile those two obligations where, inevitably, conflicting interests are involved".* [79]

* *Named after the then Colonial Secretary Lord Passfield.*

The paper announced a renewed attempt to establish a legislative council. Further it gave notice of intent to reassert authority over the vital issues of immigration and land transfers, which had been dominated by the Jewish Agency, working heavily against Palestinian interests. 80/ Reflecting awareness of the intensifying conflict the paper concludes with a suggestion of realization that Palestinian grievances had justification, but were faced with inimical circumstance:

> *"To the Arabs His Majesty's Government would appeal for a recognition of the facts of the situation, and for a sustained effort at co-operation in obtaining that prosperity for the country as a whole by which all will benefit. From the Jewish leaders, His Majesty's Government ask a recognition of the necessity for making some concessions on their side in regard to the independent and separatist ideals which have been developed in some quarters in connection with the Jewish national home ..."* [81]

The Passfield White Paper drew strong criticism from the Zionist Organization and its supporters, and soon was virtually negated by a letter written in 1931 by the British Prime Minister to Dr. Weizmann, again giving paramountcy to the goals of Zionism rather than "equal weight" to the rights of the people of Palestine. Stating that the letter was meant "to meet certain criticisms put forward by the Jewish Agency", the letter reasserted that "the undertaking of the Mandate is an undertaking to the Jewish people and not only to the Jewish population of Palestine". [82]

The "MacDonald letter" made clear that Palestine would be governed in accordance with the Churchill policy of 1922, and that the restrictions suggested by Lord Passfield on Jewish immigration and land transfers would not be applied.

Dr. Weizmann's words on these developments are of interest:

> *"... The Passfield White Paper may be regarded as the most concerted effort – until the White Paper of 1939 – on the part of a British Government to retract the promise made to the Jewish people in the Balfour Declaration. That attack, too, was successfully repulsed.*
>
> *"... On February 13, 1931, there was an official reversal of policy. It did not take the form of a retraction of the White Paper – that would have meant a loss of face – but of a letter addressed to me by the Prime Minister, read in the House of Commons and printed in Hansard. I considered that the letter rectified the situation – the form was unimportant – and I so indicated to the Prime Minister.*

> *"I was to be bitterly attacked in the Zionist Congress of that year for accepting a letter in place of another White Paper. But whether I was right or not in my acceptance may be judged by a simple fact: it was under MacDonald's letter to me that the change came about in the Government's attitude, and in the attitude of the Palestine administration, which enabled us to make the magnificent gains of the ensuing years. It was under MacDonald's letter that Jewish immigration into Palestine was permitted to reach figures like 40,000 for 1934 and 62,000 for 1935, figures undreamed of in 1930". 83/*

This sudden reversal of British policy, coming as it did after Palestinian hopes for fair play had been raised by the Passfield White Paper, did little to improve the deteriorating situation in Palestine.

The start of the notorious Nazi persecution of Jews in Europe brought repercussions to Palestine which were to exacerbate the mounting tensions. While the majority of European Jews fleeing the Nazi terror chose the United States and Britain, large numbers sought refuge in Palestine. Immigration thus sharply increased, as shown by the following figures:

Immigration into Palestine 1930-1939 [84]	
1930	4 944
1931	4 075
1932	9 553
1933	30 327
1934	42 359
1935	61 854
1936	29 727
1937	10 536
1938	12 868
1939	16 405

Compared to the 100,000 in the 1920s, Palestine received about 232,000 legal immigrants in the 1930s. The Jewish population in 1939 numbered over 445,000 out of a total of about 1,500,000 –

nearly 30 per cent compared to the less than 10 per cent 20 years before. Similarly, by the end of 1939, Jewish holdings of land had risen to almost 1.5 million dunums compared to the 650,000, of the total area of 26 million dunums, held at the start of the Mandate.

Between 1930 and 1936, the British Administration tried to initiate measures, such as the establishment of elected municipal councils, and later, a legislative council (with a large majority of appointed members) in an attempt to reduce political friction. These measures were ineffective. The drive of political zionism to establish a settler State in Palestine was met by violent resistance from the Palestinians, and this situation simmered until it boiled over in 1936.

VI. Mandated Palestine – Palestinian Resistance

The Start of Palestinian Resistance

Throughout the period of the mandate, Palestinian resentment against the denial of their inherent right of national self-determination, and against the colonization of their land by non-Palestinians, manifested itself in a series of outbreaks of violence which, becoming virtually endemic in Palestinian politics, mounted in intensity as the mandate prolonged. The British Government regularly appointed a Commission of Inquiry to investigate the "disturbances" and to present recommendations. But as long as the inherently conflicting lines of policy in the mandate were implemented, violence and resistance continued.

On 2 November 1918, non-violent protests marked the first anniversary of the Balfour Declaration. As early as April 1920, while Palestine was still under military government, anti-Jewish riots broke out just as the San Remo Conference was finalizing the allocation of the Palestine Mandate to Great Britain. The report of the military commission of inquiry was not published at the time, but was referred to in the report of the Royal Commission in 1937. The underlying causes of the riots were cited as:

"The Arabs' disappointment at the non-fulfilment of the promises of independence which they believed to have been given them in the War.

"The Arabs' belief that the Balfour Declaration implied a denial of the right of self-determination and their fear that the establishment of a national home would mean a great increase of Jewish immigration and would lead to their economic and political subjection to the Jews." [85]/

Within a year of Palestine's coming under civil administration, riots again broke out in May 1921, spreading from a clash between Jewish factions. There were 95 dead and 220 injured. A formal inquiry commission, headed by Sir Thomas Haycraft, Chief Justice of Palestine, found:

> *"The fundamental cause of the Jaffa riots and the subsequent acts of violence was a feeling among the Arabs of discontent with, and hostility to, the Jews, due*

> *to political and economic causes, and connected with Jewish immigration, and with their conception of Zionist policy as derived from Jewish exponents.*
>
> *"The immediate cause of the Jaffa riots on the 1st May was an unauthorized demonstration of Bolshevik Jews, followed by its clash with an authorized demonstration of the Jewish Labour Party.*
>
> *"The racial strife was begun by Arabs, and rapidly developed into a conflict of great violence between Arabs and Jews, in which the Arab majority, who were generally the aggressors, inflicted most of the casualties.*
>
> *"The outbreak was not premeditated or expected, nor was either side prepared for it; but the state of popular feeling made a conflict likely to occur on any provocation by any Jews …"*[86]

The Revolt of 1929

The "Churchill Memorandum" reaffirmed the "national home" policy, and Palestinian resentment again broke out into violence in August 1929, sparked by a dispute over the Wailing Wall in Jerusalem. The clashes between Palestinians and Jews left 220 dead and 520 injured on both sides, and British reinforcements, including aircraft, naval vessels and armoured cars, had to be called in from outside Palestine before the situation was brought under control.

A special Commission, headed by Sir Walter Shaw, a retired Chief Justice of the Straits Settlements, investigated this outbreak. The Shaw Commission observed:

> *"In less than 10 years three serious attacks have been made by Arabs on Jews. For 80 years before the first of these attacks there is no recorded instance of any similar incidents. It is obvious then that the relations between the two races during the past decade must have differed in some material respect from those which previously obtained. Of this we found ample evidence. The reports of the Military Court and of the local Commission which, in 1920 and in 1921 respectively, enquired into the disturbances of those years, drew attention to the change in the attitude of the Arab population towards the Jews in Palestine. This was borne out by the evidence tendered during our inquiry when representatives of all parties told us that before the War the Jews and Arabs lived side by side if not in amity, at least with tolerance, a quality which to-day is almost unknown in Palestine".* [87]

The Commission's findings on the causes of the violence:

> *"… If there was in Palestine in August last a widespread feeling of resentment amongst the Arabs at the failure of His Majesty's Government to grant them some measure of self-government, it is at least probable that this resentment would show itself against the Jews, whose presence in Palestine would be regarded by the Arabs as the obstacle to the fulfilment of their aspirations".*
>
> *"That such a feeling existed among the leaders of the Arabs and the official and educated classes there can be no question …*
>
> *"… The Arab people of Palestine are today united in their demand for representative government. This unity of purpose may weaken but it is liable to be revived in full force by any large issues which involve racial interests. It is our belief that a feeling of resentment among the Arab people of Palestine consequent upon their disappointment at the continued failure to obtain any measure of self-government … was a contributory cause to the recent outbreak and is a factor which cannot be ignored in the consideration of the steps to be taken to avoid such outbreaks in the future".* [88]

The Shaw Commission's report was a major factor in the issue of the Passfield White Paper towards redressing these grievances, but it proved abortive, and the people of Palestine were soon to resort to violence again.

The riots of 1933

In 1933, the Nazis took power in Germany, and their imminent infamous persecution of Jewry brought an exodus of Jews from Germany and other European countries. Large numbers came to Palestine, exciting the already simmering resentment again into violence. No formal commission was appointed to inquire into this new outbreak in 1933, which was surveyed in the Peel Report of 1937.

Examining the effects of the sudden increase in immigration, the report comments:

> *"The Arab reaction to this sudden and striking development was quite natural. All that the Arab leaders had felt in 1929 they now felt more bitterly … the greater the Jewish inflow, the greater the obstacle to their attainment of national independence. And now, for the first time, a worse fate seemed to threaten them than the withholding of their freedom and the continuance of Mandatory rule. Hitherto, with the high rate of natural increase among the Arabs, it has seemed impossible that the Jews could become a majority in Palestine within measurable time. But what if the new flood of immigration were to rise still higher? That*

> *question gave a very different colour to the idea of self-government in Palestine as Arab nationalists had hitherto conceived it. It opened up the intolerable prospect of a Jewish State – of Palestinian Arabs being ruled by Jews. It is not surprising, therefore, to find … the old antagonism growing hotter and hotter, till it bursts again into flames."* [89]

Clashes erupted mainly in Jerusalem and Jaffa, with considerable casualties, although not as heavy as those of 1929. The report continues:

> *"So one more page of the history of Palestine under the Mandate had been written in blood. And there was one feature of this last outbreak of Arab violence which was as unprecedented as it was significant. In 1920, 1921 and 1929 the Arabs had attacked the Jews. In 1933 they attacked the Government. The idea that the British authorities in London or Jerusalem were trying to hold the balance even between Arab and Jews was now openly scouted. They were allies of the Jews, it was said, and the enemies of the Arabs. The Mandate was merely a cynical device for promoting British 'imperialism' under a mask of human consideration for the Jews …*
>
> *"It was thus becoming clear that the crux of the situation in Palestine was not growing less formidable with the passing of time. On the contrary, the longer the Mandate operated, the stronger and more bitter Arab antagonism to it became".* [90]

This Palestinian antagonism and resistance to the Mandate from then on gathered strength. By 1933, the various Palestinian political parties and groupings had united to form an Arab Executive Committee, and showed more inclination to co-operate with the British authorities. At this stage the Jews, still in a minority despite massive immigration, were the party to feel apprehension over representative government, and a new move in 1936 to set up a legislative council was defeated in Parliament after the Zionist Congress had:

> *"… expressed its categorical rejection of the scheme … as contrary to the spirit of the Mandate".* [91]

The Palestinian rebellion against the British Mandate

In 1936, the Palestinian resistance to foreign rule and to foreign colonization broke out into a major rebellion that lasted virtually until the outbreak of the Second World War. Palestinian demands for independence drew impetus from the simultaneous nationalist agitations in Egypt and Syria which

had forced Great Britain and France to open treaty negotiations with those two Arab countries neighbouring Palestine.

In April 1936, what started as minor Arab-Jewish clashes quickly flared into a widespread revolt. A new union of Palestinian political parties was formed, the Arab Higher Committee, headed by the Mufti of Jerusalem, Al Hajj Amin al-Husseini. The Committee called for a general strike to support the demand for national government. Despite strong Palestinian resistance to Jewish immigration, the British Government issued permits for several thousand new immigrants, offering further provocation to Palestinian nationalists. An unprecedented feature of this nationalist movement was the open identification with it by senior Arab officials of the Palestine administration who protested to the High Commissioner that Palestinians had been forced to violence because of loss of faith in British pledges and alarm at the extent to which Britain was susceptible to Zionist pressure.

As the strike prolonged, violence increased. There were attacks on British troops and police posts as well as on Jewish settlements, sabotage of roads, railways, pipelines and so on. The British administration imposed curfews, called in troop reinforcements from Britain, Egypt and Malta, and resorted to mass arrests, collective fines, and internments in concentration camps and other emergency measures. Large parts of the Arab quarter in the town of Jaffa were demolished by the authorities on the grounds of urban improvement – in the midst of the revolt – but order could not be restored.

During earlier Palestinian Arab uprisings, Jewish settlers often had restrained retaliation under the doctrine of the Havlaga, or restraint. But now, not unexpectedly, there were Jewish reprisals. The principal vehicle was the Haganah, a covert paramilitary force formed early in the mandate years (and which was to play a leading role in later events in Palestine). The Jewish settlers also benefited from 2,800 of their number being enrolled in the police forces as supernumeraries.

The failure of the Palestine authorities to suppress the revolt by military means led to political measures. The British Government announced the appointment of a Royal Commission to investigate the causes of the "disturbances" and turned to the rulers of other Arab States for the mediation that eventually led to the calling off of the strike in October 1936. The official count of casualties was 275 dead and 1,112 wounded, but the Royal Commission's estimate was 1,000 deaths. [92]

The end of the strike was to prove a lull in the rebellion. The issue of the Royal Commission's report brought an almost immediate renewal of violence, starting with the assassination of a British District Commissioner. Although it was not conclusively established that the assassins were Arab, the High Commissioner declared the Arab Higher Committee proscribed, arresting its prominent leaders and deporting them to the Seychelles Islands, while the Mufti of Jerusalem was able to escape to Lebanon, from where he continued to direct the rebellion.

Military courts were established, awarding 58 death sentences by the end of 1938, apart from

numerous life imprisonments. 93/ To interdict support for the guerrillas, a barbed-wire fence, called the "Teggert line" was set up along portions of the Syrian, Transjordanian and Lebanese borders.

> *"Throughout 1937 British armed forces in Palestine had amounted to no more than two infantry brigades. In July 1938, two additional infantry battalions, two squadrons of the Royal Air Force, an armoured car and cavalry unit, and a battle cruiser were endeavouring to suppress terrorism which, since April, had become open rebellion. By the end of October there were in the country eighteen infantry battalions, two cavalry regiments, a battery of howitzers, and armoured car units, or a total of 18,000 to 20,000 troops, while some 2,930 additional British police were recruited during the year. A virtual military reoccupation of the country proved necessary to deal with the explosion of bombs and land mines, the murder and snipings which were almost daily occurrences. Heavy military concentrations alone preserved a semblance of order in the northern and central parts of the country, while the Jerusalem and southern districts were entirely out of hand … The main military campaign culminated during the first weeks of October, when troops peacefully occupied the old city – or Arab quarter – of Jerusalem. This operation, which might have been dangerous owing to the narrow streets, was accomplished without serious loss, and by the end of that month all Palestine was under military control …*
>
> *"The nature and extent of the Arab rebellion of 1938 can be gauged not only from the figures given above of British armed forces in the country, but also from the fact that casualties during the year reached a total of 3,717, as against 246 in 1937 …"* [94]

As in the first phase of the rebellion, the Jewish side also conducted its own retaliations and reprisals. In addition to the Haganah, another organization, the Irgun Tzeva'i Leumi was active, as were "special night squads", trained by Major Orde Wingate, a serving British officer. According to Christopher Sykes, "the SNS gradually became what Wingate secretly intended, the beginnings of a Jewish army". [95]

By 1939, the large-scale military operations by the British Government against the Palestinian nationalist guerrillas were showing success. Meanwhile, Palestinian grievances were at last being heard in London at a conference attended by other Arab States. As war approached, Britain again turned to these friendly Arab States to intercede in Palestine, and the rebellion was ended after three and a half years.

The rebellion of 1936-1939 culminated 15 years of Palestinian resistance to the Mandate, and was to bring far-reaching consequences in Palestine. It left no doubt that the Palestinians would not

acquiesce in the loss of their country under the Balfour Declaration and disproved the Churchill policy's insistence that the "dual obligations" undertaken could be reconciled and would not disturb the peace in Palestine. The response of the British Government had been to propose, in place of the independence pledged two decades earlier, a plan to partition Palestine.

VII. Mandated Palestine: The Partition Plans

The Peel Commission Report

The Royal Commission to inquire into the "disturbances" was headed by a former Secretary of State for India, Lord Robert Peel, and presented a 400-page report, a document of major importance in any examination of the Palestine problem. While defending the British Government's record in Palestine and standing by the Balfour Declaration, it recognized the force and justice of the demands by the Palestinian people for independence. It acknowledged that, contrary to the previous official position, Palestinian resistance to the Mandate had shown that the "dual obligations" were not reconcilable. Faced with this dilemma it recommended, in Solomonian fashion, the partition of Palestine.

Because of its importance as a major turning point, after the Balfour Declaration, in British policy in Palestine, the Royal Commission's report is quoted below at some length.

Commenting on the assumption that the "dual obligations" were reconcilable:

> *"It must have been obvious from the outset that a very awkward situation would arise if that basic assumption should prove false. It would evidently make the operation of the Mandate at every point more difficult, and it would greatly complicate the question of its termination. To foster Jewish immigration in the hope that it might ultimately lead to the creation of a Jewish majority and the establishment of a Jewish State with the consent or at least the acquiescence of the Arabs was one thing. It was quite another thing to contemplate, however remotely, the forcible conversion of Palestine into a Jewish State against the will of the Arabs. For that would clearly violate the spirit and intention of the Mandates System. It would mean that national self-determination had been withheld when the Arabs were a majority in Palestine and only conceded when the Jews were a majority. It would mean that the Arabs had been denied the opportunity of standing by themselves; that they had, in fact, after an interval of conflict, been bartered about from Turkish sovereignty to Jewish sovereignty.* [96]
>
> *"… the crux was plain enough to Arab eyes. It was the Balfour Declaration and its embodiment in the draft Mandate and nothing else which seemingly prevented their attaining a similar measure of independence to that which other Arab communities already enjoyed. And their reaction to this crux was logical. They*

> *repudiated the Balfour Declaration. They protested against its implementation in the draft Mandate. 'The people of Palestine,' they said, 'cannot accept the creation of a national home for the Jewish people in Palestine.' And they refused to co-operate in any form of government other than a national government responsible to the Palestinian people.* [97]
>
> *"… Nowhere, as it happened, was the spirit of nationalism more acute after the War than in this area of the Near and Middle East. In all of its constituent territories, except Transjordan, there were serious disturbances, and in all of them, except Palestine, there was a marked advance towards self-government."* [98]

On the rebellion:

"… One other feature of the 'disturbances' of last year had likewise appeared before. It has been pointed out that the outbreak of 1933 was not only, or even mainly, an attack on the Jews, but an attack on the Palestine Government. In 1936 this was still clearer. Jewish lives were taken and Jewish property destroyed; but the outbreak was chiefly and directly aimed at the Government. The word 'disturbances' gives a misleading impression of what happened. It was an open rebellion of the Palestinian Arabs, assisted by fellow-Arabs from other countries, against British Mandatory rule." [99]

On its causes:

> *"… After examining this and other evidence and studying the course of events in Palestine since the War, we have no doubt as to what were 'the underlying causes of the disturbances' of last year. They were:*
>
> *"(i) The desire of the Arabs for national independence.*
>
> *"(ii) Their hatred and fear of the establishment of the Jewish National Home.*
>
> *'We make the following comments on these two causes:*
> *"(i) They were the same underlying causes as those which brought about the 'disturbances' of 1920, 1921, 1929 and 1933.*
>
> *"(ii) They were, and always have been, inextricably linked together. The Balfour Declaration and the Mandate under which it was to be implemented involved the denial of national independence at the outset. The subsequent growth of the national home created a practical obstacle, and the only serious one, to the concession later of national independence. It was believed that its further growth might mean the political as well as economic subjection of the Arabs to the Jews,*

> *so that if, ultimately, the Mandate should terminate and Palestine become independent, it would not be a national independence in the Arab sense but self-government by a Jewish majority.*
>
> *"(iii) They were the only 'underlying' causes. All the other factors were complementary or subsidiary, aggravating the two causes or helping to determine the time at which the disturbances broke out."* [100]

On the new Arab hostility towards the Jews:

> *"… It is indeed, one of the most unhappy aspects of the present situation – this opening of a breach between Jewry and the Arab world. We believe that not in Palestine only but in all the Middle East the Arabs might profit from the capital and enterprise which the Jews are ready enough to provide; and we believe that in ordinary circumstances the various Arab Governments would be ready enough on their side to permit a measure of Jewish immigration under their own conditions and control. But the creation of the national home has been neither conditioned nor controlled by the Arabs of Palestine. It has been established directly against their will. And that hard fact has had its natural reaction on Arab minds elsewhere. The Jews were fully entitled to enter the door forced open for them into Palestine. They did it with the sanction and encouragement of the League of Nations and the United States of America. But by doing it they have closed the other doors of the Arab World against them. And in certain circumstances this antagonism might become dangerously aggressive."* [101]

On the Arab-Jewish relationship:

> *"An irrepressible conflict has arisen between two national communities within the narrow bounds of one small country. About 1,000,000 Arabs are in strife, open or latent, with some 400,000 Jews. There is no common ground between them. The Arab community is predominantly Asian in character, the Jewish community predominantly European. They differ in religion and in language. Their cultural and social life, their ways of thought and conduct, are as incompatible as their national aspirations. These last are the greatest bar to peace."* [102]

On Palestinian demands for independence:

> *"… When at last they came before us, headed by the Mufti of Jerusalem, the first words of the prepared statement he made to us, were these: 'The Arab cause in Palestine is one which aims at national independence. In its essence it does not differ from similar movements amongst the Arabs in all other Arab territories.' And at the close of his statement he stated that the first cause of the 'disturbances' was 'the fact that the Arabs in Palestine were deprived of their natural and political rights'; and he summed up the Arab demands as (1) 'the abandonment of the experiment of the Jewish national home', (2) 'the immediate and complete stoppage of Jewish immigration', (3) 'the immediate and complete prohibition of the sale of Arab land to Jews', and (4) 'the solution of the Palestine problem on the same basis as that on which were solved the problems in Iraq, Syria and the Lebanon, namely by the termination of the Mandate and by the conclusion of a treaty between Great Britain and Palestine by virtue of which a national and independent government in constitutional form will be established'.*
>
> *"Thus it is clear that the standpoint of the Arab leaders has not shifted by an inch from that which they adopted when first they understood the implications of the Balfour Declaration. The events of 17 years have only served to stiffen and embitter their resistance and, as they argue, to strengthen their case. And the core of their case, it must be stressed again, is political.*
>
> *"… Nor is the conflict in its essence an interracial conflict, arising from any old instinctive antipathy of Arabs towards Jews. There was little or no friction, as we have seen, between Arab and Jews in the rest of the Arab world until the strife in Palestine engendered it. And there has been precisely the same political trouble in Iraq, Syria and Egypt – agitation, rebellion and bloodshed – where there are no 'national homes'. Quite obviously, then, the problem of Palestine is political. It is, as elsewhere, the problem of insurgent nationalism. The only difference is that in Palestine Arab nationalism is inextricably interwoven with antagonism to the Jews. And the reasons for that, it is worth repeating, are equally obvious. In the first place, the establishment of the national home involved at the outset a blank negation of the rights implied in the principle of national self-government. Secondly, it soon proved to be not merely an obstacle to the development of national self-government, but apparently the only serious obstacle. Thirdly, as the home has grown, the fear has grown with it that, if and when self-government is conceded, it may not be national in the Arab sense, but government by a Jewish majority. That is why it is difficult to be an Arab patriot and not to hate the Jews.*
>
> *"… The story of the last 17 years is proof that this Arab nationalism with its anti-Jewish spearhead is not a new or transient phenomenon. It was there at the beginning; its strength and range have steadily increased; and it seems evident to us from what we saw and heard that it has not yet reached its climax."* [103]

Before making its recommendations, the Royal Commission recapitulated the political situation in Palestine in a chapter entitled "The Force of Circumstance", recognizing that the terms of the Mandate, with its inclusion of the Balfour Declaration, could only be implemented by force; and with no assurance of success:

> *"… The moral objections to maintaining a system of government by constant repression are self-evident. Nor is there any need to emphasize the undesirable reactions of such a course of policy on opinion outside Palestine.*
>
> *"And the worst of it is that such a policy leads nowhere. However vigorously and consistently maintained, it will not solve the problem. It will not allay, it will exacerbate the quarrel between the Arabs and the Jews. The establishment of a single self-governing Palestine will remain just as impracticable as it is now. It is not easy to pursue the dark path of repression without seeing daylight at the end of it."* [104]

The Royal Commission then made its recommendations:

> *"… Manifestly the problem cannot be solved by giving either the Arabs or the Jews all they want. The answer to the question, 'Which of them in the end will govern Palestine?' must surely be 'neither' …*
>
> *"… Partition seems to offer at least a chance of ultimate peace. We can see none in any other plan."* [105]

This public recognition that the irreconcilable terms of the Mandate had made it unworkable signalled its imminent end. The radical recommendation of partition was accepted by the British Government in a White Paper in July 1937:

> *"In spite of many discouraging experiences during the past seventeen years, His Majesty's Government have based their policy on this expectation, and have taken every opportunity of encouraging co-operation between Arabs and Jews. In the light of experience and of the arguments adduced by the Commission, they are driven to the conclusion that there is an irreconcilable conflict between the aspirations of Arabs and Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present Mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock …*

> *"In supporting a solution of the Palestine problem by means of partition, His Majesty's Government are much impressed by the advantages which it offers both to the Arabs and the Jews. The Arabs would obtain their national independence, and thus be enabled to co-operate on an equal footing with the Arabs of neighbouring countries in the cause of Arab unity and progress. They would be finally delivered from all fear of Jewish domination … On the other hand, partition would secure the establishment of the Jewish national home and relieve it from any possibility of its being subject in the future to Arab rule. It would convert the Jewish national home into a Jewish State;…"* [106]

Partition was unacceptable to the Palestinians, whose struggle for self-determination had brought the British Government to admit the unworkability of the Mandate. The rebellion flared up again, lasting until 1939. The Arab Higher Committee formally reasserted the right of Palestinians to full independence in the whole of Palestine, and the replacement of the Mandate by a treaty between Great Britain and an independent Palestine.

The Royal Commission's report was the subject of intense debate at the twentieth Zionist Congress in Zurich in August 1937. Dr. Weizmann urged acceptance of the partition plan (with fundamental modifications) since the world was now viewing the problem in terms of a Jewish State. However, the Congress apparently did not consider that the time had come to accept a Jewish State in only part of Palestine. It was too early – the ultimate aim was to establish the Jewish State in all of Palestine, and at this point the numbers of immigrants were too small and, in Zionist eyes, the mission of the Mandate was unfulfilled. The Congress declared that it:

> *"… rejects the assertion of the Palestine Royal Commission that the Mandate has proved unworkable, and demands its fulfillment. The Congress directs the Executive to resist any infringement of the rights of the Jewish people internationally guaranteed by the Balfour Declaration and the Mandate.*
>
> *"The Congress declares that the scheme of partition put forward by the Royal Commission is unacceptable.*
>
> *"The Congress empowers the Executive to enter into negotiations with a view to ascertaining the precise terms of His Majesty's Government for the proposed establishment of a Jewish State."* [107]

The Royal Commission's partition plan (which, the Commission emphasized, was not a final or definitive proposal) allotted roughly the northern quarter of Palestine and the major part of the western coastal plain to the Jewish state, about a third of the country's area. Jerusalem, Bethlehem and Nazareth, with a corridor to the sea at Jaffa, would continue under a British

Mandate (map at annex VII).

The British Government then dispatched another "technical" commission, known as the "Woodhead Commission" to examine the practicability of partition. This Commission, which held its inquiries in Palestine from April to August 1938, concluded that the Royal Commission's plan was unworkable since almost half of the population of the proposed Jewish State would be Palestinian Arab, and raise the danger of mass population transfers. The Commission proposed two other plans. One amended the Royal Commission's plan by placing Galilee under mandate instead of allotting it to the Jewish State (annex VIII). The other proposed that virtually the southern half of Palestine, the Jerusalem enclave, and a large area in the north remain under mandate, the Jewish State occupying the coastal plain north of Jaffa, with the Arab state being allotted the remainder of the territory (annex IX).

The Commission itself expressed reservations over the viability of any partition scheme, and with the resurgence of the Palestinian rebellion, the British Government abandoned the idea of partitioning Palestine, announcing in a new statement of policy that:

> *"… further examination has shown that the political, administrative and financial difficulties involved in the proposal to create independent Arab and Jewish States inside Palestine are so great that this solution of the problem is impracticable."*
> *108*

The London Conference, 1939

To discuss alternatives, a round-table conference in London was held to which the British Government invited representatives of Palestinians (excluding those held responsible for violence), Jews (who could select whichever representatives they wished) and Arab States. If the Conference could not produce an agreement, the British Government announced, it would decide and implement its own policy.

The London Conference turned out to be parallel but separate Anglo-Arab and Anglo-Jewish conferences in February-March 1939, since the Arabs refused to formally recognize the Jewish Agency. All the independent Arab States participated: Egypt, Iraq, Saudi Arabia, Transjordan and the Yemen. It was for this conference, which reached to the roots of the Palestine issue, that the British Government made public the Husain-McMahon correspondence, which was examined by the Anglo-Arab Committee.

The Arabs were determined to secure the inherent right of the Palestinians to their independence, which had been pledged 20 years earlier and for which the Palestinians had risen up in arms. The Jews, backed by the Balfour Declaration and its incorporation in the Mandate, were determined to achieve a Jewish State, particularly at a time when Nazi persecution of Jewry in Europe was

inflicting its notorious excesses and his people were facing what Dr. Weizmann described as "this, the blackest hour of Jewish history". Although meetings between all three sides took place towards the end of the London Conference, British proposals for an agreement were first rejected by the Jewish side and, after revision to partially meet the Jewish objections, by both sides.

The "MacDonald White Paper"

The end of this attempt to reach an agreement left the British Government facing the situation which its policies of two decades had created in Palestine, and now it presented its unilateral policy. A new White Paper was issued in May 1939, disclaiming any intention to create a Jewish State, rejecting Arab demands that Palestine become independent as an Arab State, and envisaging the termination of the mandate by 1949 with independence for Palestine in which both Palestinians and Jews would share in government. Immigration would end, after the admission of 75,000 new immigrants over the first five years. The Government would strictly regulate transfer of land.

Important excerpts from this last major British policy statement on Palestine before the Second World War deserve note:

> *"… His Majesty's Government do not read either the Statement of Policy of 1922 or the letter of 1931 as implying that the Mandate requires them, for all time and in all circumstances, to facilitate the immigration of Jews into Palestine subject only to consideration of the country's economic absorptive capacity. Nor do they find anything in the Mandate or in subsequent Statements of Policy to support the view that the establishment of a Jewish national home in Palestine cannot be effected unless immigration is allowed to continue indefinitely. If immigration has an adverse effect on the economic position in the country, it should clearly be restricted; and, equally, if it has a seriously damaging effect on the political position in the country, that is a factor that should not be ignored … it cannot be denied that fear of indefinite Jewish immigration is widespread amongst the Arab population and that this fear has made possible disturbances which have given a serious setback to economic progress, depleted the Palestine exchequer, rendered life and property insecure, and produced a bitterness between the Arab and Jewish populations which is deplorable between citizens of the same country. If in these circumstances immigration is continued up to the economic absorptive capacity of the country, regardless of all other considerations, a fatal enmity between the two peoples will be perpetuated, and the situation in Palestine may become a permanent source of friction amongst all peoples in the Near and Middle East …*
>
> *"… His Majesty's Government are convinced that in the interests of the peace and well-being of the whole people of Palestine, a clear definition of policy and*

> *objectives is essential. The proposal of participation recommended by the Royal Commission would have afforded such clarity, but the establishment of self-supporting independent Arab and Jewish States within Palestine has been found to be impracticable. It has therefore been necessary for His Majesty's Government to devise an alternative policy which will, consistently with their obligations to Arabs and Jews, meet the needs of the situation in Palestine …*
>
> *"… It has been urged that the expression 'a national home for the Jewish people' offered a prospect that Palestine might in due course become a Jewish State or Commonwealth. His Majesty's Government do not wish to contest the view, which has been expressed by the Royal Commission, that the Zionist leaders at the time of the issue of the Balfour Declaration recognized that an ultimate Jewish State was not precluded by the terms of the Declaration. But, with the Royal Commission, His Majesty's Government believe that the framers of the Mandate in which the Balfour Declaration was embodied could not have intended that Palestine should be converted into a Jewish State against the will of the Arab population of the country …*
>
> *"… and His Majesty's Government therefore now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State. They would indeed regard it as contrary to their obligations to the Arabs under the Mandate, as well as to the assurances which have been given to the Arab people in the past, that the Arab population of Palestine should be made the subjects of a Jewish State against their will …"* [109]
>
> *"… The objective of His Majesty's Government is the establishment within 10 years of an independent Palestine State in … treaty relations with the United Kingdom.*
>
> *"… the independent State should be one in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded …"* [109]

After two decades of Mandatory rule and colonization from abroad, the inherent rights of the Palestinians finally had been acknowledged. But the independence now being pledged was to a country where population and land patterns had been so transformed while it had been a territory under a League of Nations mandate, that the road to independence was full of pits and obstructions. For the Zionist movement the White Paper was a severe setback to their plans, and a new strategy was to be devised outside the framework of the Mandate of the League of Nations which, in any event, was nearing its end.

VIII. Palestine and the League of Nations

The international sanction for Great Britain to implement the Balfour Declaration's policy in Palestine had formally derived from the League of Nations, which conferred the legal title, and in whose name the Mandatory Power had governed. The question of where the ultimate sovereignty of a Mandated Territory lay has been the subject of varying interpretations, which need not be examined in this study. Several authorities, basing their views on the wording of Article 22 of the Covenant, and stressing that the League was founded on the principle of non-annexation of territories and that the mandates prohibited the alienation of territory (article 5 of the Palestine Mandate), have ruled that sovereignty rested with the people of a Mandated Territory, albeit in suspense since they could not exercise it. One representative view may be quoted:

"The drafters of the Treaty of Versailles, bearing in mind above all the right of peoples to self-determination, formally declared that Mandated Territories were not to be annexed by any Power, be it the community of States known as the League of Nations that was based at Geneva or any individual State. To all intents and purposes, these Territories belong to the indigenous inhabitants and communities, which the League has set out to defend and on whose behalf it acts as a kind of family council". [110/]

The view taken by the International Court of Justice in the question of the status of South-West Africa is that sovereignty was not transferred to the Mandatory Power:

> *"The terms of this Mandate, as well as the provisions of Article 22 of the Covenant and the principles embodied therein, show that the creation of this new international institution [the Mandate] did not involve any cession of territory or transfer of sovereignty to the Union of South Africa. The Union Government was to exercise an international function of administration on behalf of the League, with the object of promoting the well-being and development of the inhabitants".* *111/*

According to Professor Quincy Wright:

> *"Communities under 'A' Mandates doubtless approach very close to sovereignty".* *112/*

Since Palestine as an "A" Mandate whose sovereignty could not be alienated either by the Mandatory Power or by the League, it is of interest to glance briefly at the supervisory responsibility of the League of Nations, as exercised through the Permanent Mandates Commission (PMC), during the life of the Palestine Mandate.

In a report to the League Assembly the Council noted:

> *"With regard to the responsibility of the League for securing the observance of the terms of the Mandates, the Council interprets its duties in this connection in the widest manner.*
>
> *"Nevertheless the League will obviously have to display extreme prudence, so that the exercise of its rights of control should not in any way increase the difficulties of the task undertaken by the Mandatory Powers".* [113/]

In practice this meant that the PMC required annual reports from the Mandatory Power and offered comment on policies and developments in the mandated territory. Only when there was a major outbreak of violence, as in 1929 or in 1936, did the PMC exercise the functions in any wider manner.

In its very first meeting after the Palestine mandate came into effect in 1923, the PMC noted its sui generis nature and recorded its concern over its inherent contradictions, observing:

> *"Whereas all the other mandates the application of which it has hitherto examined were only intended to give effect to the general principles laid down in Article 22 of the Covenant, the Palestine Mandate is of a more complex nature. As is expressly stated in the preamble of the Mandate, and as is clearly shown by several of the clauses of this document, the Council, in drawing up its terms, desired, while giving effect to the provisions of Article 22 of the Covenant, to carry out also the plan of establishing in Palestine a national home for the Jewish people, as stated in the historic Declaration of 2 November, 1917, with which Lord Balfour's name is associated – a Declaration which the Principal Allied Powers adopted. According to the fundamental principle of Article 22 of the Covenant the paramount duty of the Mandatory Power is to ensure the development of the mandated territories by administering them in conformity with the interests of their inhabitants. On the other hand, in the terms of the Declaration of 2 November 1917, the Mandatory Power is instructed to assist the establishment in Palestine of a 'national home for the Jewish people … it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country'.*
>
> *"It is not in any way for the Commission, whose duty it is, according to Article 22 of the Covenant, 'to advise the Council on all matters relating to the observance of the Mandate', to offer any observations whatever concerning the actual contents*

> *of the Mandates, the application of which it is called upon to examine, or to contrast the two principles which the Council sought to embody in the terms of the Mandate for Palestine. But, as this Mandate of necessity reflects the dual nature of its inspiration, and as its application has given rise to complaints by persons basing their case on one or other of these principles to the exclusion of the other, the Commission would not be fulfilling its task if it refrained from making any reference to the facts which have come to its notice in this connection …"* [114/]

In the following years the reports from the Mandatory Power were treated in a routine fashion. In 1929, however, the PMC expressed sharp criticism of the Shaw report on the "disturbances" that year, expressing the opinion that the violence arose from direct opposition to British policies that the Palestinian Arabs considered as a denial of their inherent natural rights.

> *"The Mandates Commission considers that the Palestine disorders cannot justly be regarded as an unexpected disturbance in the midst of political calm, like those sudden explosions of popular passion which have so often been witnessed in the East. They were preceded during the last four months of 1928 and in the early part of 1929 by a number of premonitory incidents which were usually connected with the Wailing Wall …*
>
> *"The conclusion, that the outbreak was not directed against British authority, seems to be expressed too categorically.*
>
> *"Doubtless the Arab attacks were directed only against the Jews, but the resentment which caused the Arabs to commit these excesses was ultimately due to political disappointments which they attributed to the parties concerned in the mandate, and primarily to the British Government. All the declarations by persons and organizations representing the Arab section tend to emphasize the fact that the Arab movement was a movement of resistance to the policy of the Mandatory Power solely in its capacity as mandatory. This has never been more clearly stated than in a letter from the Palestinian Arab delegation, and in a telegram from the Arab Executive, both received by the members of the Permanent Mandates Commission during the extraordinary session. The first reads as follows:*
>
> *"We believe that the main cause of the disturbances which have led to continual bloodshed in Palestine for the last 12 years is the persistence of the British Government in depriving the Arabs of their natural rights. We feel that there can be no security in future against the recurrence of disturbances such as those which have taken place, or perhaps of an even more serious nature, unless the*

> *British Government promptly and radically changes its policies …”* [115]

Yet, paradoxically, the principle of self-determination was not upheld by the Commission. While it expressed understanding of the Palestinian desire for self-government, it warned that this was contrary to the terms of the Mandate, and that therefore the Commission could not support those aspirations:

> *“The claim for self-government is in no way surprising in a people who can watch the operation of representative institutions in some of its neighbours of the same race and civilization; it is an expression of a sentiment – pride of race – which certainly commands respect and can be justified to some extent by the terms of the Covenant and of the mandate itself. If those responsible for the agitation hoped by its means to secure the triumph of their opposition to the League of Nations as a party to the mandate, they will find no encouragement from the Mandates Commission …*
>
> *“To all the sections of the population which are rebelling against the mandate, whether they object to it on principle or wish to retain only those of its provisions which favour their particular cause, the Mandatory Power must obviously return a definite and categorical refusal. As long as the leaders of a community persist in repudiating what is at once the fundamental charter of the country and, as far as the Mandatory Power is concerned, an international obligation, which it is not free to set aside, the negotiations would only unduly enhance their prestige and raise dangerous hopes among their partisans and apprehensions amongst their opponents …* [116]

This session of the PMC had heard statements on the “dual obligation”, asserting that:

> *“… It was the duty of the Mandatory Power to establish the national Jewish home, and to develop self-governing institutions so far as was compatible with such establishment …”*

The view of the Chairman was:

> *“… In considering the two parts of the mandate, it was necessary to bear in mind the fundamental principle of all the mandates. The purpose of the mandates as described in Article 22 of the Covenant was the development and welfare of the*

> *inhabitants of the mandated territory … It was necessary to insist that the establishment of the national home for the Jews must be made compatible with the introduction of autonomous institutions. That was the Arab view and it was consistent with the fundamental purpose of the mandate …"* [117]

However in its report, the PMC made clear that in its view the dual obligations were of equal weight and were not irreconcilable.

(On this occasion, the League Council, on the request of the British Government, dispatched a League Commission to investigate Jewish and Muslim claims concerning the Wailing Wall. Their recommendations in 1931 in general confirmed the status quo and were implemented by the Palestine authorities.)

For the following five years the reports on the Palestine Mandate again received routine comments, until the outbreak of the Palestinian rebellion in 1936, when the League Council called the PMC to formulate a "Preliminary Opinion" on the Royal Commission's proposal for terminating the Palestine Mandate by partition rather than independence, a radical proposal with weighty implications for the Mandates system. The PMC elaborated on the contradictions inherent in the mandate, and the problems raised by the British proposal:

> *"By these communications, the Permanent Mandates Commission was given a task that was entirely new to it. It was no longer a question of examining the annual reports of the Mandatories and advising the Council on all matters relating to the observance of the mandates, as its mission is defined in the Covenant itself; nor was it a duty such as that assigned to it by the Council in 1931, of determining whether a mandated territory had reached a degree of maturity justifying its emancipation.*
>
> *"The Commission's task today is to express a preliminary opinion on the intentions of a Mandatory Power which proposes to the Council the termination of the mandate it has been carrying out for 15 years, and which, in support of this proposal, adduces not so much the attainment of maturity by the ward as the difficulties of guardianship.*
>
> *"This opinion, it is true, was expressly requested by the Council and the Mandatory Power itself. But the Commission could not turn for guidance either to the mandate, which had been challenged, or to the Covenant, which is wholly silent on this subject.*
>
> *"In the light of what principles, therefore, should it consider the question submitted to it? And, first of all, what exactly was that question itself? …*

> *"Although the question at issue was its revision, the Palestine mandate remained the centre of the whole of the deliberations. The mandate defines the obligations assumed by the Mandatory Power towards the League of Nations, on whose behalf the territory is administered. These obligations themselves are derived from the Balfour Declaration of 2 November 1917, and from the provisions of Article 22 of the Covenant, to which the United Kingdom Government, in accepting the mandate, undertook to give effect.*
>
> *"The Commission has never imagined that the Mandatory Power might desire to withdraw from these obligations. The very idea of changing the existing régime was, in fact, the outcome of the difficulties experienced by the Mandatory in carrying out its obligations and of its desire to adapt its policy more closely to the requirements of its mission …*
>
> *"The first question to which the Commission has to give a reply to the Council is therefore that of the maintenance of the existing mandate. Although the obligations of the mandate have not appeared to be irreconcilable, the aspirations of Arabs and Jews in Palestine have constantly clashed ever since the mandate was established. What people could be expected to agree wholeheartedly that its country should be used for the establishment of a national home for another people, even if it were thereby to reap appreciable material benefits? And again, it is surprising that a people which, for nearly two thousand years, has been scattered over the face of the earth should have hastened to welcome an offer made to it to reconstruct a national home in the land of his forefathers, under the protection of a mighty empire? It was inevitable from the outset that there would be a conflict between the aspirations of the Arabs of Palestine, desirous of remaining or rather of becoming complete masters in their own house, and the Jews, desirous of constituting or rather reconstituting a national home in Palestine. The very wording of the Balfour Declaration and of the Palestine mandate clearly shows that this inevitable antagonism had been realised by the authors of those documents …*
>
> *"The disturbances of 1936 showed how widespread and intense was the hostility of the Arabs to Jewish immigration, and the repressive measures perforce taken by the mandatory Power only added to its doubts of the possibility of applying the mandate without resorting to the constant use of force."* [118/]

The Commission noted the repercussion of the Peel report on the mandate and expressed reservations on the partition proposal:

> *"The present mandate became almost unworkable once it was publicly declared*

> *to be so by a British Royal Commission speaking with the two-fold authority conferred on it by its impartiality and its unanimity, and by the Government of the Mandatory Power itself …*
>
> *"While declaring itself favourable in principle to an examination of a solution involving the partition of Palestine, the Commission is nevertheless opposed to the idea of the immediate creation of two new independent States …*
>
> *"The Commission therefore considers that a prolongation of the period of political apprenticeship constituted by the mandate would be absolutely essential both to the new Arab State and to the new Jewish State."* [119/]

The PMC proposed alternate forms of "apprenticeship", and the Council authorized Great Britain to prepare a partition plan for the League's consideration.

The situation remained fluid as the rebellion in Palestine continued, the PMC commenting in 1938:

> *"The Royal Commission considered that, during that period, the present mandate would continue to be the governing instrument of the administration of Palestine. In actual fact, however, the Mandates Commission cannot but recognize that the application of the mandate is partially suspended now, as events have prevented some of its essential objects from being pursued."* [120]

The 1939 White Paper's reversal from immediate termination of the Mandate by partition to its prolongation with eventual independence for a united Palestine created a new situation for the PMC which, faced with fluctuations in British policy, was unable to make any definite recommendations:

> *"From the first, one fact forced itself to the notice of the Commission – namely, that the policy set out in the White Paper was not in accordance with the interpretation which, in agreement with the Mandatory Power and the Council, the Commission had always placed upon the Palestine mandate.*
>
> *"In order to prove this, it will be enough to say that, only two years ago, the Government of the Mandatory Power declared, in the Statement of Policy which accompanied the report published by the Royal Commission, that the present mandate was unworkable. In view of this, the Mandates Commission communicated to the Council its opinion that a mandate which was declared unworkable by the Mandatory Power almost became so by that very fact.*

> *"In 1937, there was already a conflict between Jewish and Arab aspirations, which the United Kingdom Government admitted its inability to reconcile; that conflict was the principal obstacle to Palestine's being administered in accordance with the mandate. Since that time, the conflict has become more and more intense. In 1937, the United Kingdom Government, feeling itself unable equitably to administer Palestine under the present mandate, believed that the possibility of so doing was to be found in a territorial partition for which no provision was made therein, while today it considers its new policy to be in accordance with the mandate. Does this not show that that instrument had at that time a different meaning in the eyes of the Mandatory Power than that which it has today?*
>
> *"The Commission did not, however, confine itself to establishing this single fact. It went on to consider whether the Palestine mandate might not perhaps be open to a new interpretation which, while still respecting its main principles, would be sufficiently flexible for the policy of the White Paper not to appear at variance with it. The Commission was all the less reluctant to raise this question since, according to the Mandatory Power, no such contradiction existed. The Commission learned from the Secretary of State for the Colonies that the Mandatory Power considered, on the strength of the opinion expressed by its legal advisers that, in view of the changed situation, the policy which it proposed to pursue was in agreement with the mandate, itself based on Article 22 of the Covenant and on the Balfour Declaration."* [121]

There was no consensus in the PMC, but its comment that the 1939 White Paper was not in accordance with the accepted interpretation of the Mandate – with the establishment of the Jewish National Home as its principal objective – was further to complicate the controversy, though any further interest or activity by the League of Nations in the problem of Palestine was precluded by the outbreak of war in September 1939.

IX. The Ending of the Mandate

Palestine in 1939

By 1939 the situation in Palestine had reached a crucial point. The Royal Commission had declared the Mandate unworkable. The Commission's own partition proposals had proved equally unworkable. The 1939 White Paper had postulated an independent unified Palestine, with a Palestinian Arab majority, in 10 years, but the League of Nations had expressed reservations on this new policy declaration. Yet the League itself had proved incapable of playing any effective role in arresting the deteriorating situation in Palestine. The Palestinians had sensed that only through violence could they force recognition of their inherent rights. The Zionists in turn had reacted with violence to hold the ground they had gained and to press towards their ultimate aspirations of a

Jewish State in Palestine. The monstrous Nazi crimes against the Jewish people led them to look to the "national home" in Palestine as a refuge. The Second World War was to act as a catalyst in the interplay of these forces, and the pace of events accelerated.

Shortly before the war broke out, both the Jewish Agency as well as Palestinian Arab leaders declared their support of the Allies. The Mufti, still in exile, eventually aligned himself with the Axis powers. Violence subsided as the leaders of both sides observed a political truce. Jewish and Arab battalions were formed in Palestine, the Jewish units ultimately forming a Jewish Brigade.

The implementation of the 1939 White Paper

Despite the demands of the war effort, the British Government, disturbed by the dangerous situation in Palestine, proceeded with the policy of the 1939 White Paper in an effort to diminish the political tension. In February 1940, the Palestine authorities issued the Land Transfer regulations, dividing Palestine into three zones. In the largest zone, any transfer of land to a person who was not a "Palestinian Arab" was prohibited, exceptions being permitted only under specific conditions and with the High Commissioner's permission. In the second zone "Palestinian Arabs" were permitted to transfer land only between themselves. In the third zone there were not restrictions on land transfers.

The clauses of the 1939 White Paper relating to immigration were also implemented, but at the end of the five-year period in 1944, only 51,000 of the 75,000 immigration certificates provided for had been utilized. In circumstances where Jewish refugees from Europe were fleeing violence and persecution, the White Paper's limits were relaxed and legal immigration was permitted to continue indefinitely at the rate of 18,000 a year.

The Jewish response

The Palestinian rebellion, the Royal Commission's report and the 1939 White Paper's policies constituted a series of reversals to the aim of political Zionism to establish a settler state in Palestine. It had become evident that the Mandatory Power was re-interpreting its earlier commitment to the Balfour Declaration. Three features of the response by some Zionist groups were illegal immigration, terrorism and an attempt to obtain support from the United States.

Illegal immigration was not a wartime phenomenon. The Hope-Simpson Report of 1930 had recorded that "some thousands each year" of unauthorized immigrants settled in Palestine, either having evaded frontier controls or having arrived as "pseudo travellers" and then staying on. [122]This type of immigration was bound to increase with the conditions prevailing in Europe, and it is estimated that between April 1939 and December 1943, over 20,000 illegal immigrants arrived in Palestine. [123] The conditions under which this immigration was swelling were politically exploited by Jewish organizations to exert pressure on the British Government, as described in an official document:

> *"The regulation of Jewish immigration into Palestine has been greatly complicated, since before the outbreak of war, by attempts to organize the unauthorized entry of large bodies of immigrants. During the war it was more than ever imperative that the Administration should resist this threat to its authority, since the shiploads of refugees came from inside Axis-controlled Europe and offered an opportunity for the infiltration of enemy agents. In November 1940, it was decided that illegal immigrants would be deported to an alternative place of refuge in the Colonial Empire. The first contingent of deportees under this policy was assembled on board the s.s. Patria in Haifa Harbour. The Patria, however, was scuttled at her moorings on 25 November, as a result of sabotage by Jewish sympathizers ashore, with the loss of 252 lives. Numbers of illegal immigrants were subsequently deported to Mauritius; they were admitted to Palestine in 1945 and an equivalent number was deducted from the quota provided for in the White Paper".* [124]

The Jewish immigrants claimed to have practised often the doctrine of Havlaga, or restraint and non-violence, in the face of the various uprisings by Palestinian Arabs, culminating in the rebellion. During the war years, the Jewish community also resorted to violence. The recourse to terrorism is described in an official British document as follows:

> *"The lull in terrorist activity did not continue throughout the war years. The Jewish community resented the Land Transfers Regulations and the measures taken against unauthorized immigration. In 1942, a small group of Zionist extremists, led by Abraham Stern, came into prominence with a series of politically motivated murders and robberies in the Tel Aviv area. In the following year there came to light a widespread conspiracy, connected with Haganah (an illegal military formation controlled by the Jewish Agency), for stealing arms and ammunition from the British forces in the Middle East. In August 1944, the High Commissioner narrowly escaped death in an ambush outside Jerusalem. Three months later, on the 6th November, the British Minister of State in the Middle East (Lord Moyne) was assassinated in Cairo by two members of the Stern group. A third illegal Jewish organization, the Irgun Tzeva'i Leumi, was responsible for much destruction of Government property during 1944. The outrages perpetrated by the Stern group and the Irgun Zvei Leumi were condemned by the official spokesmen of the Jewish community;…*
>
> *"On the 22nd July 1946, the campaign conducted by terrorist organizations reached a new climax with an explosion which wrecked a wing of the King David Hotel in Jerusalem, containing the offices of the Government Secretariat as well as part of military headquarters, and killed 86 public servants, Arab, Jewish and*

> *British, as well as five members of the public. Later terrorist activities have included the kidnapping of a British judge and of British officers, sabotage of the railway system and of oil installations at Haifa, and the blowing up of a British Officers' Club in Jerusalem with considerable loss of life. In order that the administration of the country might proceed unhampered by terrorist reprisals against the British community as threatened, non-essential British civilians and military families were evacuated from Palestine and the remaining members of the British community were concentrated in security zones at the beginning of February 1947. In the same month 'statutory martial law' was imposed for a limited period (in specified areas);..."* [125]

Notwithstanding formal disclaimers of its responsibility, there appears to be some evidence of involvement of the Jewish Agency, as indicated in an official report:

> *"The information which was in the possession of His Majesty's Government when they undertook their recent action in Palestine led them to draw the following conclusions:*
>
> *(1) That the Haganah and its associated force the Palmach (working under the political control of prominent members of the Jewish Agency) have been engaging in carefully planned movements of sabotage and violence under the guise of 'the Jewish Resistance Movement';*
>
> *(2) That the Irgun Tzeva'i Leumi and the Stern Group have worked since last autumn in co-operation with the Haganah High Command on certain of these operations;...*
>
> *(3) That the broadcasting station 'Kol Israel' which claims to be "the Voice of the Resistance Movement" and which has been working under the general direction of the Jewish Agency has been supporting these organizations."* [126]

This campaign of terror against Palestinian Arabs and the British reached such proportions that Churchill, a strong supporter of Zionist aims and at that time Prime Minister, stated in the House of Commons:

> *"If our dreams for zionism are to end in the smoke of assassins' pistols and our labours for its future are to produce a new set of gangsters worthy of Nazi Germany, many like myself will have to reconsider the position we have maintained so consistently and so long in the past. If there is to be any hope of a*

> *peaceful and successful future for zionism, these wicked activities must cease and those responsible for them must be destroyed, root and branch;…*

Referring to the appeal of the Jewish Agency to the Jewish community '… to cast out the members of this destructive band, to deprive them of all refuge and shelter, to resist their threats and to render all necessary assistance to the authorities in the prevention of terrorist acts and in the eradication of the terrorist organization', he said:

> *"These are strong words but we must wait for these words to be translated into deeds. We must wait to see that not only the leaders but every man, woman and child of the Jewish community does his or her best to bring this terrorism to a speedy end."* [127]

The "Biltmore Programme"

The Zionist Organization sought to strengthen its position by drawing support from the United States to substitute for that loss from Great Britain. In May 1942 the Jewish Agency Executive, meeting in New York, formally made public in what is known as the "Biltmore Programme", the long-standing aim of the creation of a Jewish State in Palestine through unlimited immigration, declaring that:

> *"The Conference affirms its unalterable rejection of the White Paper of May 1939 and denies its moral or legal validity. The White Paper seeks to limit, and in fact to nullify Jewish rights to immigration and settlement in Palestine, and, as stated by Mr. Winston Churchill in the House of Commons in May 1939, constitutes "a breach and repudiation of the Balfour Declaration;…*
>
> *"The Conference urges that the gates of Palestine be opened; that the Jewish Agency be vested with control of immigration into Palestine and with the necessary authority for upbuilding the country, including the development of its unoccupied and uncultivated lands; and that Palestine be established as a Jewish Commonwealth integrated in the structure of the new democratic world;…"* [128]

The Jewish Agency formally presented its demands to the British Government in May 1945 as follows:

> *"(1) That an immediate decision be announced to establish Palestine as a Jewish*

> *State.*
>
> *"(2) That the Jewish Agency be invested with all necessary authority to bring to Palestine as many Jews as it may be found necessary and possible to settle, and to develop, fully and speedily, all the resources of the country – especially land and power resources.*
>
> *"(3) That an international loan and other help be given for the transfer of the first million of Jews to Palestine, and for the economic development of the country.*
>
> *"(4) That reparations in kind from Germany be granted to the Jewish people for the rebuilding of Palestine, and – as a first instalment – that all German property in Palestine be used for the resettlement of Jews from Europe.*
>
> *"(5) That international facilities be provided for the exit and transit of all Jews who wish to settle in Palestine."* [129]

The Zionist Organization formally endorsed the programme as its declared policy and concentrated its efforts in the United States:

> *"By November 1945, however, a new chapter in the history of Palestine was about to open. Zionist pressure in the United States, which the Government of that country had resisted during the course of the war, again made itself felt on the restoration of peace, taking as its text reports of American Congressmen … on the plight of Jews in camps for displaced persons.*
>
> *"President Truman responded to it in a letter to Mr. Attlee, in which he called on the British Government to open the gates of Palestine to an additional 100,000 of the homeless Jews in Europe."* [130]

As the war ended, the outcome of United States involvement was the appointment of an Anglo-American Committee of Enquiry to make recommendations on Palestine to both Governments. The Foreign Secretary of the new Labour Government in Great Britain, prevented by circumstance from implementing the 1939 White Paper, and faced with a situation where the League of Nations had been extinguished by the war, and succeeded by the United Nations, indicated future policy on the following lines:

> *"His Majesty's Government cannot divest themselves of their duties and responsibilities under the Mandate while the Mandate continues … that is, until*

> *arrangements can be made – arrangements which it is hoped will be facilitated by the Report of the Committee of Enquiry – for placing Palestine under Trusteeship. The British Government … will prepare a permanent solution for submission to the United Nations and, if possible, an agreed one."* [131]

The Anglo-American Enquiry Committee

The 12-member Committee began work in January 1946 with a 120-day time-limit and finalized its report in April. As in the case of previous British Commissions, it surveyed the history of Palestine over the years since the Balfour Declaration, but concluded with a set of recommendations that virtually negated those by the British Commission.

Describing the Jewish view, the report observed:

> *"The Jews in Palestine are convinced that Arab violence paid. Throughout the Arab rising, the Jews in the national home, despite every provocation, obeyed the orders of their leaders and exercised a remarkable self-discipline. They shot, but only in self-defence; they rarely took reprisals on the Arab population. They state bitterly that the reward for this restraint was the Conference and the White Paper of 1939 …*
>
> *"An immediate result of the success of Arab terrorism was the beginning of Jewish terrorism and, even more significant, a closing of the ranks, a tightening of the discipline, and a general militarization of Jewish life in Palestine. The Agency became the political headquarters of a citizen army which felt that at any moment it might have to fight for its very existence. Deprived, as he believed, both of his natural and of his legal rights, the Palestinian Jews began to lose faith in the Mandatory Power. The dangerous belief was spread that not patience but violence was needed to achieve justice. The position of the moderates who urged self-restraint and a reliance on Britain's pledged word was progressively undermined; the position of the extremists, eager to borrow a leaf from the Arab copy book, was progressively strengthened …* [132]
>
> *"The State within the State:*
>
> *"The Jews have developed under the aegis of the Jewish Agency and the Vaad Leumi, a strong and tightly-woven community. There thus exists a virtual Jewish non-territorial State with its own executive and legislative organs, paralleled in many respects to the Mandatory Administration, and serving as the concrete symbol of the Jewish National Home. This Jewish shadow government has ceased to co-operate with the Administration in the maintenance of law and order,*

> *and in the suppression of terrorism …"* [133]
>
> *"A sinister aspect of recent years is the development of large illegal armed forces. The following is the structure as stated to us by the military authorities.*
>
> *"The general organization is the 'Haganah'. It is an illegal development of the former organization, in the days of Turkish rule, of armed watchmen who protected Jewish settlements. Today, it is completely organized, under a central control and with subsidiary territorial commands, in three branches, each of which includes women, viz:*
>
> *. "A static force composed of settlers and townfolk, with an estimated strength of 40,000;*
>
> *. "A field army, based on the Jewish Settlement Police and trained in more mobile operations, with an estimated strength of 16,000;*
>
> *. "A full-time force (Palmach), permanently mobilized and provided with transport, with an estimated peace establishment of 2,000 and war establishment of some 6,000.*
>
> *"It is known that the Haganah has been procuring arms over a period of years. Vast quantities have been obtained from the residue of the campaigns in the Middle East. Arms and ammunition are kept and concealed in specially constructed caches in settlements and towns …*
>
> *"Apart from the Haganah, two further illegal armed organizations exist, both having cut away from the parent body. One is the 'Irgun Tzeva'i Leumi', which was formed in 1935 by dissident members of the Haganah. The other is the 'Stern Group' which broke away from the Irgun early in the war when the latter announced an 'armistice'. The Irgun operated under its own secret command mainly in sabotage and terrorism against the Mandatory; its strength is estimated at from 3,000 to 5,000. The Stern Group engages in terrorism; its strength is said to be between 200 and 300 … (The British Government commented that these estimates were 'on the conservative side'.)*
>
> *"All three organizations to which reference has been made are illegal …"* [134]

The Palestinian Arab view was summed up as follows:

> *"… Stripped to the bare essentials, the Arab case is based upon the fact that*

> *Palestine is a country which the Arabs have occupied for more than a thousand years, and a denial of the Jewish historical claims to Palestine. In issuing the Balfour Declaration, the Arabs maintain, the British Government were giving away something that did not belong to Britain, and they have consistently argued that the Mandate conflicted with the Covenant of the League of Nations from which it derived its authority. The Arabs deny that the part played by the British in freeing them from the Turks gave Great Britain a right to dispose of their country. Indeed, they assert that Turkish was preferable to British rule, if the latter involves their eventual subjection to the Jews. They consider the Mandate a violation of their right of self-determination since it is forcing upon them an immigration which they do not desire and will not tolerate – an invasion of Palestine by the Jews …*
>
> *"The suggestion that self-government should be withheld from Palestine until the Jews have acquired a majority seems outrageous to the Arabs. They wish to be masters in their own house. The Arabs were opposed to the idea of a Jewish national home even before the Biltmore Programme and the demand for a Jewish State. Needless to say, however, their opposition has become more intense and more bitter since that programme was adopted …"* [135]

The Anglo-American Committee rejected the idea of early independence for Palestine, whether partitioned or unified, considering that Palestinian Arab-Jewish hostility "would result in civil strife as might threaten the peace of the world" … The Committee appeared to anticipate that the hostility would eventually disappear (it did not elaborate how this would happen) and that until such time Palestine should become a United Nations trusteeship, pending which the Mandate should continue. It also appeared to anticipate that unity would somehow be maintained and recommended a declaration.

> *"That Jews shall not dominate Arab and Arab shall not dominate Jew in Palestine; that Palestine shall be neither a Jewish State nor an Arab State".* [136]

and that the future government would be internationally guaranteed.

Among immediate measures the Committee recommended the rescinding of the 1940 Land Transfer Regulations so as to allow free transfers of land, and the immediate issue of 100,000 immigration certificates to the victims of Nazi persecution. It also recommended a declaration that terrorism would be suppressed, and called on the Jewish Agency to co-operate with the authorities to this end.

In effect the Committee recommended the continuation of a Mandate that the Mandatory Power had found unworkable. Immediately on publication of the Committee's report, the United States

President issued a statement in which, inter alia, he said:

> *“I am very happy that the request which I made for the immediate admission of 100,000 Jews into Palestine has been unanimously endorsed by the Anglo-American Committee of Inquiry. The transference of these unfortunate people should now be accomplished with the greatest despatch … I am also pleased that the Committee recommends in effect the abrogation of the White Paper of 1939 including existing restrictions on immigration and land acquisition to permit the further development of the Jewish national home. It is also gratifying that the report envisages the carrying out of large scale economic development projects in Palestine which would facilitate further immigration and be of benefit to the entire population. In addition to those immediate objectives, the report deals with many other questions of long-range political policies and questions of international law which require careful study and which I will take under advisement”.* [137]

However, the British Government stated that it could not accept the Committee’s recommendations immediately, and they would be examined further. In the course of this examination by British and American officials, a scheme was produced for two autonomous provinces in a Palestine that continued to be governed under a British High Commissioner. This scheme received the approval of the British Government, but not of the United States Government, and the issue remained unresolved.

Both Governments then requested the views of the independent Arab Governments which, in the meantime, had formed the Arab League in March 1945, envisioning the future membership of an eventually independent Palestine. Since the Palestinian Arabs could not present their own views, the Arab Governments actively advocated their case, and obtained assurances from the United States Government of consultation on any formula for Palestine. They now proposed a conference to discuss the Palestine problem.

The London Conference

The new London Conference met from September 1946 to February 1947, starting in the absence of representatives of either the Palestinian Arabs or Jews both of whom had refused the invitation. The Arab countries attending opposed the provincial scheme, and presented to the British Government their own proposals, with the following principal features:

> *(a) Palestine would be a unitary State with a permanent Arab majority, and would attain its independence as such after a short period of transition (two or three years) under British Mandate;*

> *(b) Within this unitary State, Jews who had acquired Palestinian citizenship (for which the qualification would be 10 years' residence in the country) would have full civil rights, equally with all other citizens of Palestine;*
>
> *(c) Special safeguards would be provided to protect the religious and cultural rights of the Jewish community;*
>
> *(d) The Jewish community would be entitled to a number of seats in the Legislative Assembly proportionate to the number of Jewish citizens (as defined) in Palestine, subject to the proviso that in no case would the number of Jewish representatives exceed one third of the total number of members;*
>
> *(e) All legislation concerning immigration and the transfer of land would require the consent of the Arabs in Palestine as expressed by a majority of the Arab members of the Legislative Assembly; and the safeguards provided for the Jewish community would be alterable only with the consent of a majority of the Jewish members of the Legislative Assembly".* [138]

On its side the Zionist Congress, meeting in Basle in 1947 five decades after the Basle Declaration, rejected the provincial autonomy scheme as "a travesty of Britain's obligation under the Mandate", also rejecting any form of trusteeship and demanding:

> *"(a) That Palestine be established as a Jewish Commonwealth integrated in the structure of the democratic world;*
>
> *"(b) That the gates of Palestine be opened to Jewish immigration;*
>
> *"(c) That the Jewish Agency be vested with the control of immigration into Palestine and with the necessary authority for the upbuilding of the country".* [139]

In February 1947, the British Government then presented its own proposals to the Arab representatives, by then joined by representatives of the Palestinian Arab Higher Executive, and to the Jewish Agency, which had entered into unofficial negotiations with the British Government. Both sides rejected the proposals. The Zionist Organization, fortified by new large-scale immigration, legal and illegal, well equipped forces, with the Jewish Brigade providing the nucleus, and powerful foreign support, was unprepared to compromise on its long-standing objective towards which it had advanced so close – a Jewish State in Palestine. The Palestinian Arabs, with the support of other Arab peoples, were determined to guard and hold their country, and to prevent it from being dominated further by continued Jewish immigration. The impasse was total, and large-scale violence was imminent in Palestine.

Faced with this situation, Great Britain decided to relinquish its mandatory role and to hand over the Palestine problem, created over three decades by the Balfour Declaration and the Palestine Mandate, to the United Nations. On 18 February 1947, the Foreign Secretary stated in the House of Commons:

> *"His Majesty's Government have … been faced with an irreconcilable conflict of principles. There are in Palestine about 1,200,000 Arabs and 600,000 Jews. For the Jews, the essential point of principle is the creation of a sovereign Jewish State. For the Arabs, the essential point of principle is to resist to the last the establishment of Jewish sovereignty in any part of Palestine. The discussions of the last month have quite clearly shown that there is no prospect of resolving this conflict by any settlement negotiated between the parties. But if the conflict has to be resolved by an arbitrary decision, that is not a decision which His Majesty's Government are empowered, as "Mandatory", to take. His Majesty's Government have of themselves no power, under the terms of the Mandate, to award the country either to the Arabs or to the Jews, or even to partition it between them.*
>
> *"It is in these circumstances that we have decided that we are unable to accept the scheme put forward either by the Arabs or by the Jews, or to impose ourselves a solution of our own. We have, therefore, reached the conclusion that the only course now open to us is to submit the problem to the judgement of the United Nations. We intend to place before them an historical account of the way in which His Majesty's Government have discharged their trust in Palestine over the last 25 years. We shall explain that the Mandate has proved to be unworkable in practice, and that the obligations undertaken by the two communities in Palestine have been shown to be irreconcilable. We shall describe the various proposals which have been put forward for dealing with the situation, namely, the Arab Plan, the Zionists' aspirations, so far as we have been able to ascertain them, the proposals of the Anglo-American Committee and the various proposals which we ourselves have put forward. We shall then ask the United Nations to consider our report, and to recommend a settlement of the problem. We do not intend ourselves to recommend any particular solution".* [140]

The transformation of Mandated Palestine

At the culmination of a quarter century of Mandatory rule, Palestine had been radically transformed in demographic terms. The population of Palestine had increased tremendously – from the 750,000 of the 1922 census to almost 1,850,000 at the end of 1946 – an increase of nearly 250 per cent. During this period the Jewish population had soared from 56,000 after the First World War to 84,000 in 1922 to 608,000 in 1946, an increase of about 725 per cent. [141] From constituting less than a tenth of the population in Palestine after the First World War, the Jewish community in 1947

constituted nearly a third. A good part of this was due to births within Palestine but legal immigration alone accounted for over 376,000, with illegal immigration being estimated at another 65,000 – a total of 440,000. [142] This Jewish population was primarily urban – about 70 per cent to 75 per cent in and around the cities of Jerusalem, Jaffa-Tel Aviv and Haifa. [143]

Land holding patterns had also changed considerably. From the 650,000 dunums held by Jewish organizations in 1920, of the total land area of 26 million dunums, the figure at the end of 1946 had reached 1,625,000 dunums – an increase of about 250 per cent [144] and Jewish settlement had displaced large numbers of Palestinian Arab peasants. Even so, this area represented only 6.2 per cent of the total area of Palestine and 12 per cent of the cultivable land. [145]

Ironically, the Palestinian Arabs were to suffer an experience similar to the Jews – a diaspora. That the Jews deserved sympathy was unquestionable. Even before the Nazi terror, this sympathy existed for the Jewish people among the Palestinian Arabs. The absence of racial rancour before the Balfour Declaration received emphasis in virtually every official report. Even as late as 1937, during the Palestinian rebellion for independence, the Royal Commission on Palestine said:

> *"An able Arab exponent of the Arab case told us that the Arabs throughout their history have not only been free from anti-Jewish sentiment but have also shown that the spirit of compromise is deeply rooted in their life. There is no decent-minded person, he said, who would not want to do everything humanly possible to relieve the distress of those persons, provided that it was not at the cost of inflicting a corresponding distress on another people."* [146]

Arnold J. Toynbee who, before becoming recognized as an eminent world historian had dealt directly with the Palestine Mandate in the British Foreign Office, wrote in 1968:

> *"All through those 30 years, Britain (admitted) into Palestine, year by year, a quota of Jewish immigrants that varied according to the strength of the respective pressures of the Arabs and Jews at the time. These immigrants could not have come in if they had not been shielded by a British chevaux-de-frise. If Palestine had remained under Ottoman Turkish rule, or if it had become an independent Arab state in 1918, Jewish immigrants would never have been admitted into Palestine in large enough numbers to enable them to overwhelm the Palestinian Arabs in this Arab people's own country. The reason why the State of Israel exists today and why today 1,500,000 Palestinian Arabs are refugees is that, for 30 years, Jewish immigration was imposed on the Palestinian Arabs by British military power until the immigrants were sufficiently numerous and sufficiently well-armed to be able to fend for themselves with tanks and planes of their own.*

> *The tragedy in Palestine is not just a local one; it is a tragedy for the world, because it is an injustice that is a menace to the world's peace."* [147]

Notes:

[1] Hurewitz, J. C., Diplomacy in the Near and Middle East (Princeton: Van Nostrand, 1956), vol. II, p. xvi.

[2] British Government, Correspondence between Sir Henry McMahon and the Sherif Hussein of Mecca, Parliamentary Papers – Cmd. 5957 (1939).

[3] Ibid., Report of a Committee on Correspondence between Sir Henry McMahon and the Sherif of Mecca, Parliamentary Papers – Cmd. 5974 (1939), p. 48.

[4] Ibid., p. 49.

[5] Ibid., pp. 50 and 51.

[6] Ibid., p. 11.

[7] Ibid., p. 11. A historical footnote to the Anglo-Arab understandings appeared in the "Feisal Documents", consisting of correspondence exchanges in 1919 between Sherif Husain's son and Weizmann. It has been asserted that this correpondence (in English, which was unknown to Feisal) invalidated the preceding understandings.
However, it is evident that this later correspondence was not official, and the opinion of the United Nations Special Committee on Palestine is conclusive:
"The Feisal-Weizmann agreement did not acquire validity, since the condition attached (i.e. Arab independence) was not fulfilled at the time". United Nations document A/364, report of the Special Committee on Palestine to the General Assembly, 3 September 1947, p. 35).
The question of the validity of these documents has been examined by an authority who possesses the original of the document. See Jeffries, J. M. N.: Palestine: The Reality (London, Longmans Green, 1939), pp. 248-257.

[8] Robert John and Sami Hadawi, The Palestine Diary, vol. I (1914-1945), (New World Press, New York, 1970), p. xiv.

[9] Laqueur, Walter, The Israel Arab Reader (New York, Bantam Books, 1976), pp. 6-11.

[10] Herzl, Theodor, The Complete Diaries of Theodor Herzl (New York, Herzl Press and Thomas Yosecoff, 1960), vol. I, p. 343.

[11] Sykes, Christopher, Crossroads to Israel (London, Collins, 1965), p. 24.

[12] Esco Foundation for Palestine, Palestine: A Study of Jewish, Arab and British Policies (New Haven, Yale University Press, 1947), vol. I, p. 41.

[13] Stein, Leonard, The Balfour Declaration (New York, Simon and Schuster, 1961), p. 64.

[14] Sokolow, Nahum, History of Zionism, 1600-1918 (London, Loggmans, Green, 1919), vol. I, p. xxi.

[15] Kohn, Hans, "Ahad Ha'am: Nationalist with a Difference" in Smith, Gary (ed.): Zionism: The Dream and the Reality (New York, Harper and Row, 1974), pp. 31-32.

[16] Weisgal, Meyer (ed.), Chaim Weizmann (New York, Dial Press, 1944), p. 131.

[17] Weizmann, Chaim, Trial and Error (New York, Harper, 1949), p. 149.

[18] Ibid., pp. 177-178.

[19] Ibid., p. 181.

[20] Ibid., p. 374.

[21] Ibid., p. 375.

[22] Ibid., p. 386.

[23] Ibid., p. 416.

[24] Ibid., p. 186.

[25] Stein, Zionism (London, Ernest Benn, 1925), pp. 113-115.

[26] Stein, op. cit., chapters 31, 34 and 35; Jeffries, J. M. N., Palestine: The Reality (London, Longman, 1939), pp. 163-171; and Robert John and Sami Hadawi, op. cit., pp. 75-91.

[27] Jeffries, op. cit., p. 172.

[28] Stein, op. cit., p. 552.

[29] Weizmann, op. cit., pp. 207-208.

[30] Stein, op. cit., p. 470.

[31] Weizmann, op. cit., p. 207.

[32] Jeffries, op. cit., p. 178.

[33] Mallison, W. T., "The Balfour Declaration: An Appraisal in International Law" in Abu Lughod, Ibrahim: The Transformation of Palestine (Evanston, Northwestern University Press, 1971), p. 6.

[34] Ibid., p. 67-69.

[35] Temperley, Harold (ed.), A History of the Peace Conference at Paris, vol. VI (London, Hodder and Stoughton, 1924), p. 173.

[36] British Government, British Public Record Office, Cabinet No. 24/24 (August 1917).

[37] Weizmann, op. cit., p. 212.

[38] Linowitz, Sol M., "The Legal Basis for the State of Israel" American Bar Association Journal, vol. 43, 1957, p. 522.

[39] Cattan, Henry, Palestine and International Law (London, Longman, 1973), Mallison, op. cit.

[40] Hurewitz, Op. cit., pp. xvi-xvii.

[41] Weisga, Op. cit., p. 297.

[42] British Government, Public Record Office Cabinet No. 27/23 (1918) (as reproduced in Ingrams, Doreen, The Palestinian Papers, London, John Murray, 1972).

[43] Ibid., Foreign Office No. 371/3398 (1918), op. cit.

[44] Ibid., Foreign Office No. 800/215 (1919).

[45] Antonius, George, The Arab Awakening (New York, Putnam, 1946), p. 283.

[46] Hurewitz, op. cit., p. 39.

[47] Ibid., p. 45.

[48] United States Government, Foreign Relations of the United States: the Paris Peace Conference

(Washington, 1944), vol. I, pp. 1-14.

[49] Nutting, Anthony, The Arabs (London, Hollis and Carter, 1964), p. 68.

[50] United States Government, op. cit., vol. XII, pp. 780-781.

[51] Ibid., vol. XII, pp. 793 ff.

[52] British Government, op. cit., Foreign Office No. 800/217 (1919).

[53] Ibid., Foreign Office No. 371/4183 (1919).

[54] Royal Institute of International Affairs, Great Britain and Palestine (London, Chatham House, 1946), p. 13.

[55] British Government, op. cit., Foreign Office No. 371/5114.

[56] Weizmann, op. cit., pp. 279-280.

[57] British Government, op. cit., Foreign Office No. 371/5199.

[58] Ibid., Foreign Office No. 371/5245.

[59] Ibid., Foreign Office No. 371/5248.

[60] British Government, Hansard's Reports, House of Lords, 21 June 1922, p. 1025.

[61] Esco Foundation, op. cit., vol. I, p. 252.

[62] British Government, Palestine Royal Commission: Report – Cmd. 5479 (1937), p. 108.

[63] Cattan, op. cit., pp. 30-33.

[64] British Government, Palestine: Statement of Policy – Cmd. 1700 (1922), pp. 19-20.

[65] Report of United Nations Special Committee on Palestine (A/648), p. 21.

[66] Moore, John Norton, The Arab-Israeli Conflict (Princeton, University Press, 1974), pp. 22 ff.

[67] British Government, The Political History of Palestine under the British Administration (Memorandum to the United Nations Special Committee on Palestine), Jerusalem, 1947, p. 3.

[68] Ibid., Palestine Royal Commission Report – Cmd. 5479 (1937), p. 279.

[69] Ibid., Report and General Statement of the Census of 1922, Jerusalem, 1922, p. 3.

[70] Ibid., Report of the Commission on the Palestine Disturbances – Cmd. 3530 (1930), pp. 104-105.

[71] Palestine, Government of, A Survey of Palestine, Jerusalem, 1946, vol. I, p. 244.

[72] British Government, Palestine: Report on Immigration, Land Settlement and Development – Cmd. 3686, p. 39.

[73] Ibid., p. 23.

[74] Ibid., pp. 52-53.

[75] Ibid., p. 54.

[76] Ibid., p. 55.

[77] Ibid., pp. 141-142.

[78] Ibid., Palestine: Statement of Policy, Parliamentary Papers – Cmd. 3692 (1930), pp. 4-5.

[79] Ibid., pp. 10-11.

[80] Ibid., pp. 18-21.

[81] Ibid., pp. 22-23.

[82] Moore, op. cit., pp. 143-149 (text of letter).

[83] Weizmann, Trial and Error, p. 335.

[84] RIIA, Great Britain and Palestine, p. 61.

[85] British Government, Palestine Royal Commission: Report, Cmd. 5479 (1937), p. 50.

[86] Ibid., Palestine: Disturbances in May 1921, Report of the Commission of Inquiry, Cmd. 1540 (1921), p. 59.

[87] Ibid., Report of the Commission on the Palestine Disturbances of August 1929, Cmd. 3530 (1930), p. 150.

[88] Ibid., pp. 124-131.

[89] British Government, Palestine Royal Commission: Report, Cmd. 5479 (1937), p. 82.

[90] Ibid., pp. 84-87.

[91] Ibid., pp. 91-92.

[92] Ibid., p. 105. An account of the revolt can be found in this report at pp. 96-106. See also RIIA Great Britain and Palestine, pp. 88-97.

[93] RIIA, op. cit., p. 115.

[94] Ibid., pp. 116-118.

[95] The Sunday Times (London), 12 April 1959.

[96] British Government, Palestine Royal Commission: Report – Cmd. 5479 (1937), pp. 41-42.

[97] Ibid., pp. 55-56.

[98] Ibid., p. 58.

[99] Ibid., p. 104.

[100] Ibid., pp. 110-111.

[101] Ibid., p. 124.

[102] Ibid, p. 370.

[103] Ibid., pp. 130-132.

[104] Ibid., p. 373.

[105] Ibid., pp. 375-376.

[106] British Government, Palestine Partition Commission: Report, Cmd. 5854 (1938).

[107] Esco Foundation, op. cit., vol. II, pp. 855-856.

[108] British Government, Statement of Policy, Cmd. 5893 (1938).

[109] Ibid., Statement of Policy, Cmd. 6019 (1939).

[110] Translated from Pic, Pierre, “Le Régime du Mandat d’après le Traité de Versailles”: Revue générale de Droit International Public, vol. XXX, p. 334.

[111] International Court of Justice, “Advisory Opinion regarding the Status of South-West Africa”, ICJ Reports. (1950), p. 132.

[112] Wright, Quincy, “Sovereignty of the Mandates” American Journal of International Law, vol. 17 (1923), p. 696.

[113] League of Nations, Responsibilities of the League arising out of Article 22 (Mandates), Doc.

No. 20/48/161, Geneva, 1920, p. 3.

[114] Report to Council on the 5th Extraordinary Session of the PMC, Doc. No. C. 661. 1924 VI, Geneva, 1924, p. 4.

[115] Report to the Council on the 17th Extraordinary Session of the PMC, Doc. No. C.355 (1) M.147 (1), 1930, VI, Geneva, 1930, pp. 139-140.

[116] Ibid., p. 143.

[117] Minutes of the 17th Extraordinary Session of the PMC, Doc. No. C.355 M.147, 1930 (VI), p. 49.

[118] Report to the Council on the 32nd Extraordinary Session of the PMC, Doc. No. C.330 M.222, 1937 (VI), Geneva, 1937, pp. 226-228.

[119] Ibid., pp. 229-230.

[120] Report to the Council on the 34th Session of the PMC, Doc. No. C.216 M.219, 1938, VI, Geneva, 1938, p. 228.

[121] Report to the Council on the 36th Session of the PMC, Doc. No. C.170 M.100, 1939, VI, Geneva, 1939, p. 275.

[122] British Government, Report on Immigration, Land Settlement and Development, Cmd. 3686 (1930), pp. 120, 125-126.

[123] RIIA. Great Britain and Palestine, p. 132, fn.

[124] British Government, The Political History of Palestine (Memorandum to the United Nations Special Committee on Palestine) (Jerusalem, 1947), p. 30.

[125] Ibid., pp. 31-32.

[126] British Government, Palestine: Statement Relating to Acts of Violence, Cmd. 6873 (1946), p. 3.

[127] British Government, Survey of Palestine, vol. I, p. 73.

[128] Laqueur, op. cit., pp. 78-79.

[129] RIIA, op. cit., pp. 139-140.

[130] Ibid., p. 139.

[131] Ibid., p. 142.

[132] British Government, Report of the Anglo-American Committee of Enquiry, Cmd. 6808 (1946), pp. 26-28.

[133] Ibid., p. 34.

[134] Ibid., pp. 39-41.

[135] Ibid., pp. 29-30.

[136] Ibid., pp. 1-10.

[137] British Government, The Political History of Palestine, p. 35.

[138] Ibid., p. 38.

[139] Ibid., p. 39.

[140] Ibid., p. 40.

[141] Government of Palestine, A Survey of Palestine – Supplement, Jerusalem (1947), p. 10.

[142] Ibid., pp. 17, 23.

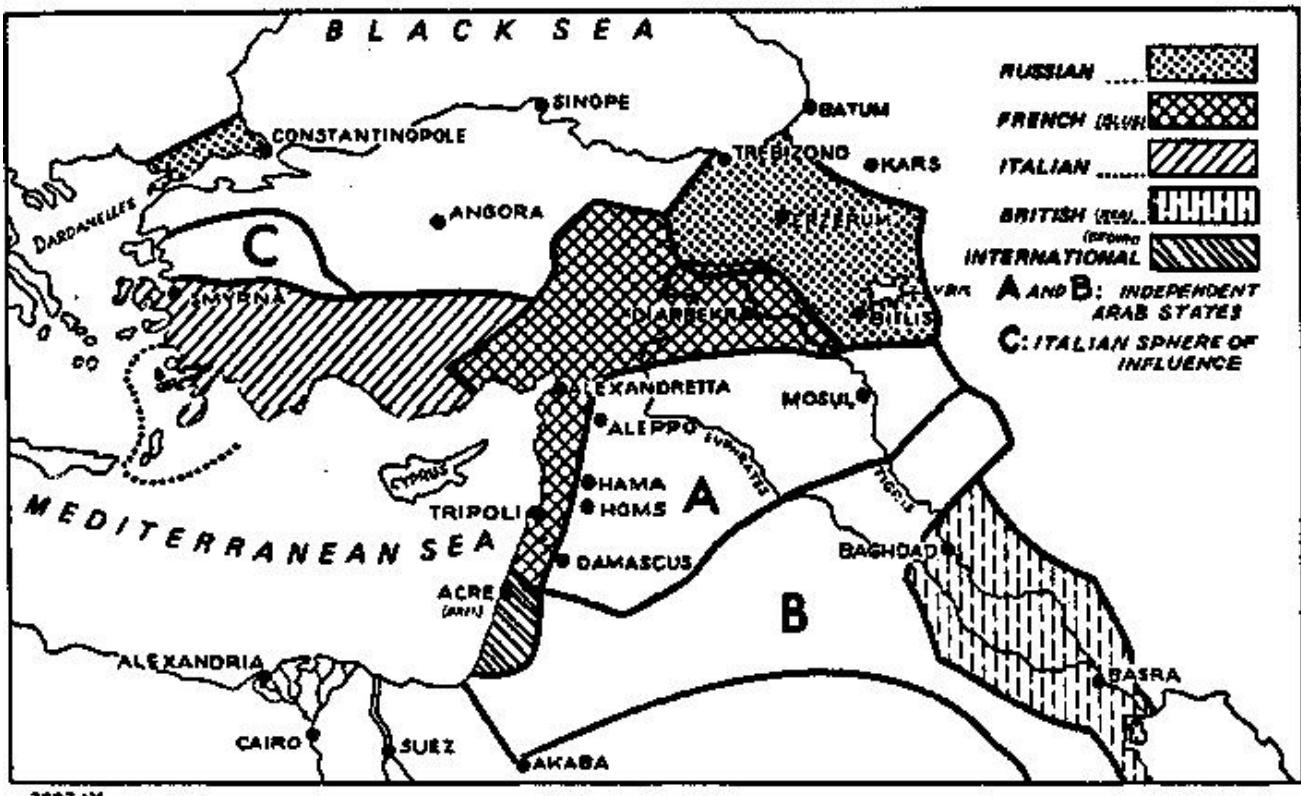
[143] Abu Lughod, Janet, "The Demographic Transformation of Palestine" in Abu-Lughod, op. cit., p. 153.

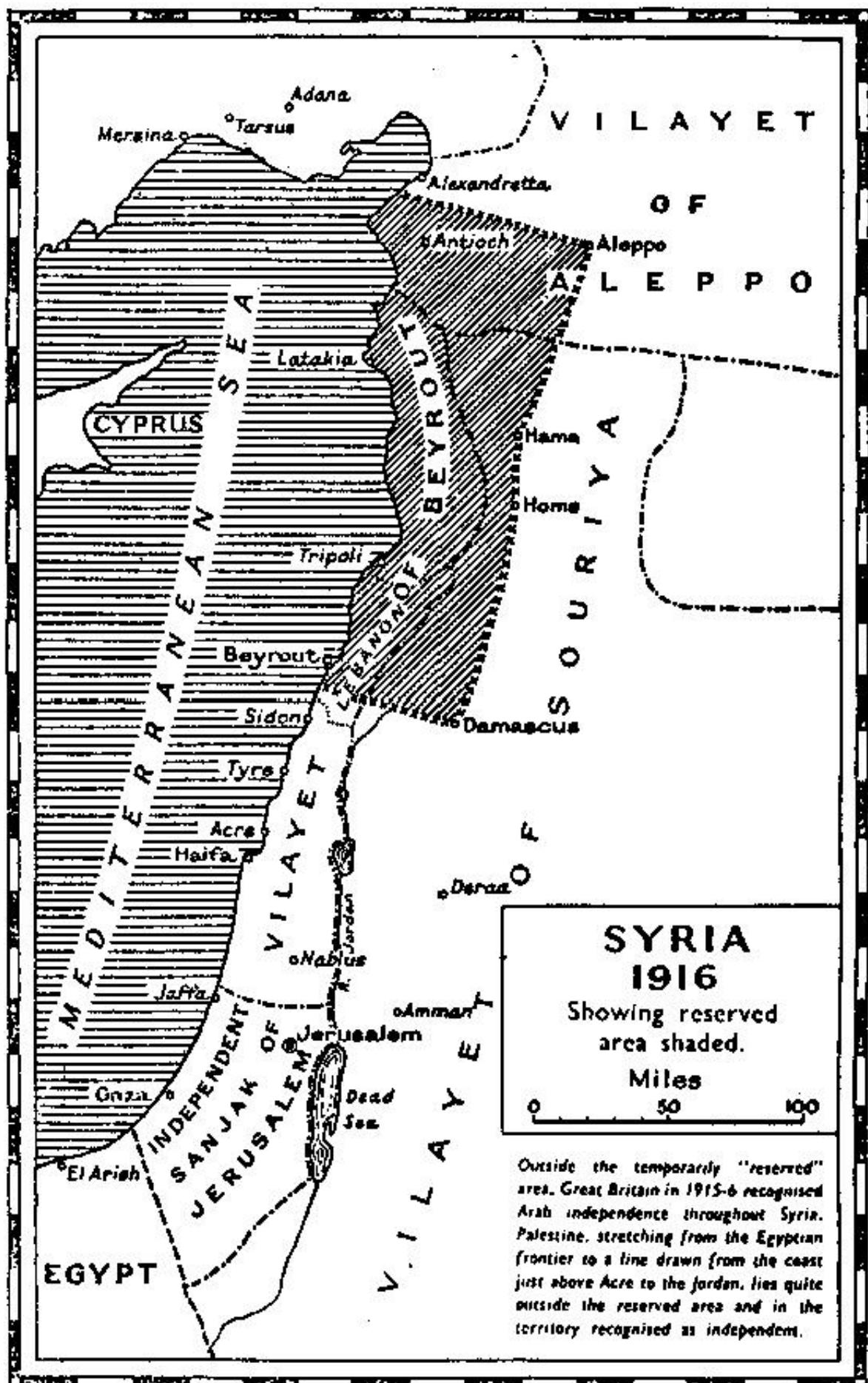
[144] Government of Palestine, A Survey of Palestine – Supplement, p. 30.

[145] Ruedy, John, "Dynamics of Land Alienation" in Abu-Lughod, op. cit., p. 134.

[146] British Government, Palestine Royal Commission – Report, Cmd. 5479 (1937), p. 395.

[147] Robert John and Sami Hadawi, op. cit., pp. xiv-xv.

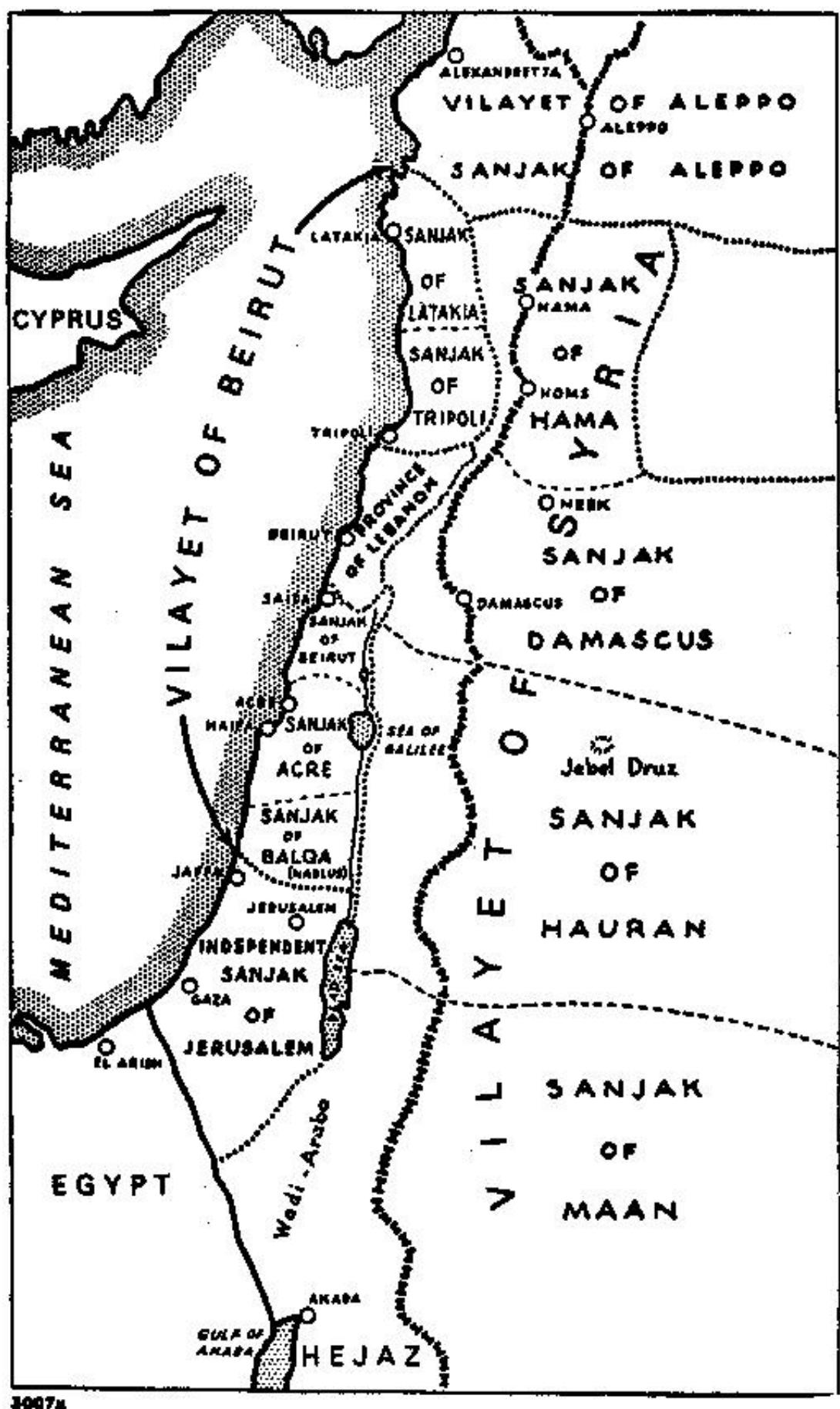
Annexes

1. Sykes-Picot Agreement – Extract and Map
2. "Excluded areas" under Hussein-McMahon Correspondence Map
3. Ottoman Administrative Districts – Map
4. Article 22 of Covenant of the League of Nations – Text
5. The Palestine Mandate
6. Zionist Claims for Palestine – Map
7. Royal Commission's Partition Plan "A" – Map
8. Palestine Partition Commission Plan "B" – Map
9. Palestine Partition Commission Plan "C" – Map

Annex I – The Sykes-Picot Agreement of 16 May 1916

(Extract)

"It is accordingly understood between the French and British Governments –

1. That France and Great Britain are prepared to recognize and protect an independent Arab State or a Confederation of Arab States in the areas (A) and (B) marked on the annexed map, under the suzerainty of an Arab chief. That in area (A) France, and area (B) Great Britain, shall have priority of right of enterprise and local loans. That in area (A) France, and in area (B) Great Britain, shall alone supply advisers or foreign functionaries at the request of the Arab State or Confederation of Arab States.

2. That in the blue area France, and the red area Great Britain, shall be allowed to establish such direct or indirect administration or control as they desire and as they may think fit to arrange with the Arab State or Confederation of Arab States.

3. That in the brown area there shall be established in an international administration, the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the other Allies, and the representatives of the Shereef of Mecca."

Annex II – “Excluded areas” under Hussein-McMahon Correspondence Map

The areas "reserved" under the Hussein-McMahon correspondence (Source: *Jeffries*: *Palestine – The Reality*)

Annex III – Ottoman Administrative Districts – Map

Palestine and Syrua in 1915
(Showing Ottoman administrative units)

(Based on maps in Cmd. 5957, 1939)

Annex IV – Article 22 of the Covenant of the League of Nations, 28 June 1919

Article 22. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the formance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Annex V – The Mandate for Palestine, 24 July 1922

"The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connexion of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the aforementioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said Mandate, defines its terms as follows:

Article 1
The Mandatory shall have full powers of legislation and of administration, save as they may be

limited by the terms of this mandate.

Article 2
The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3
The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4
An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist Organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5
The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Article 6
The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7
The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8
The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9
The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Waqfs shall be exercised in accordance with religious law and the dispositions of the founders.

Article 10
Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11
The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full powers to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the Administration.

Article 12
The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13
All responsibility in connexion with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious

buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14
A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15
The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16
The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the
enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17
The Administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18
The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19
The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20
The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21
The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations;…

Article 22

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23
The Administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

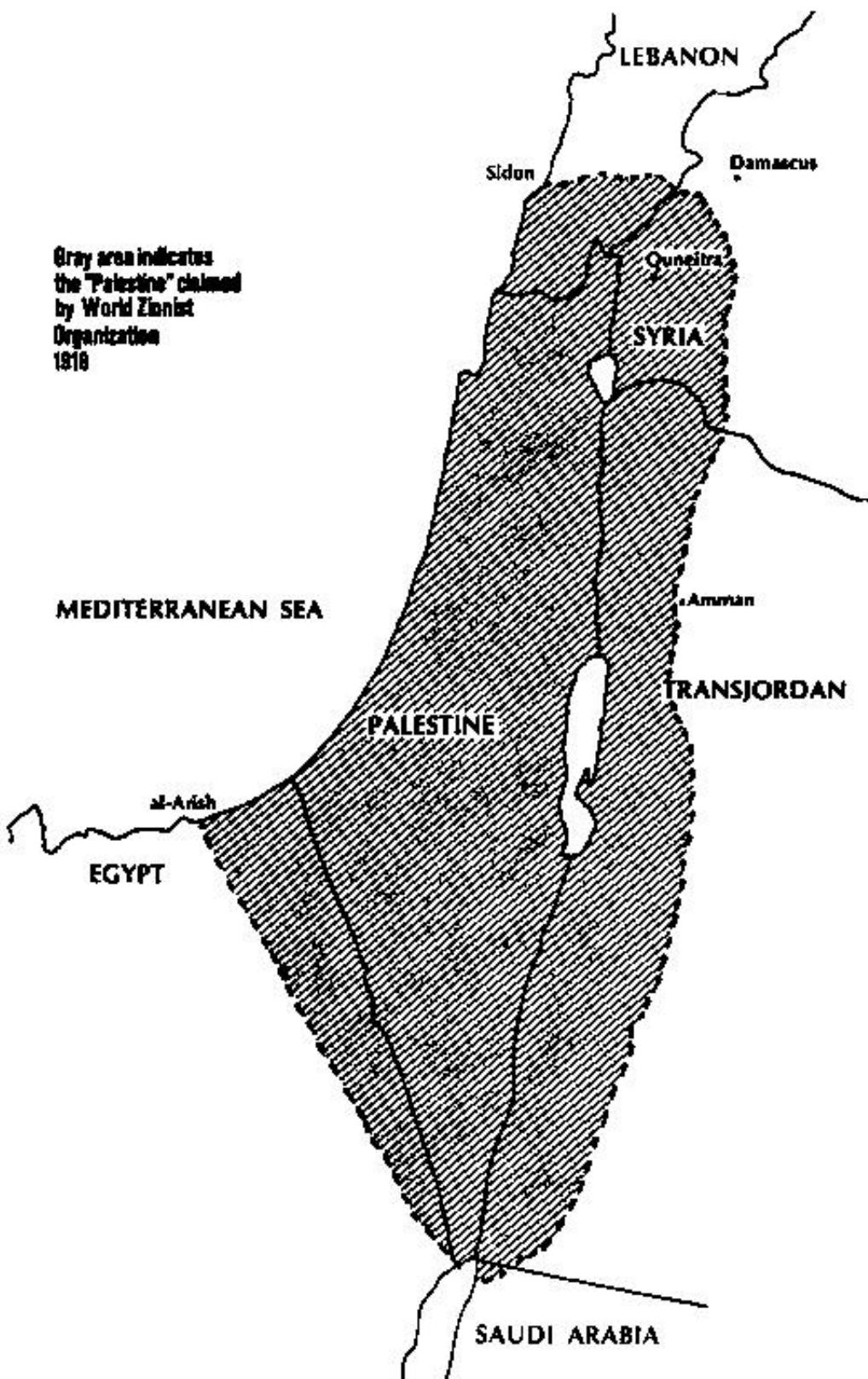
Article 24
The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25
In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Article 26
The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27
The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28
In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and

certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

DONE AT LONDON the twenty-fourth day of July, one thousand nine hundred and twenty-two."[1]

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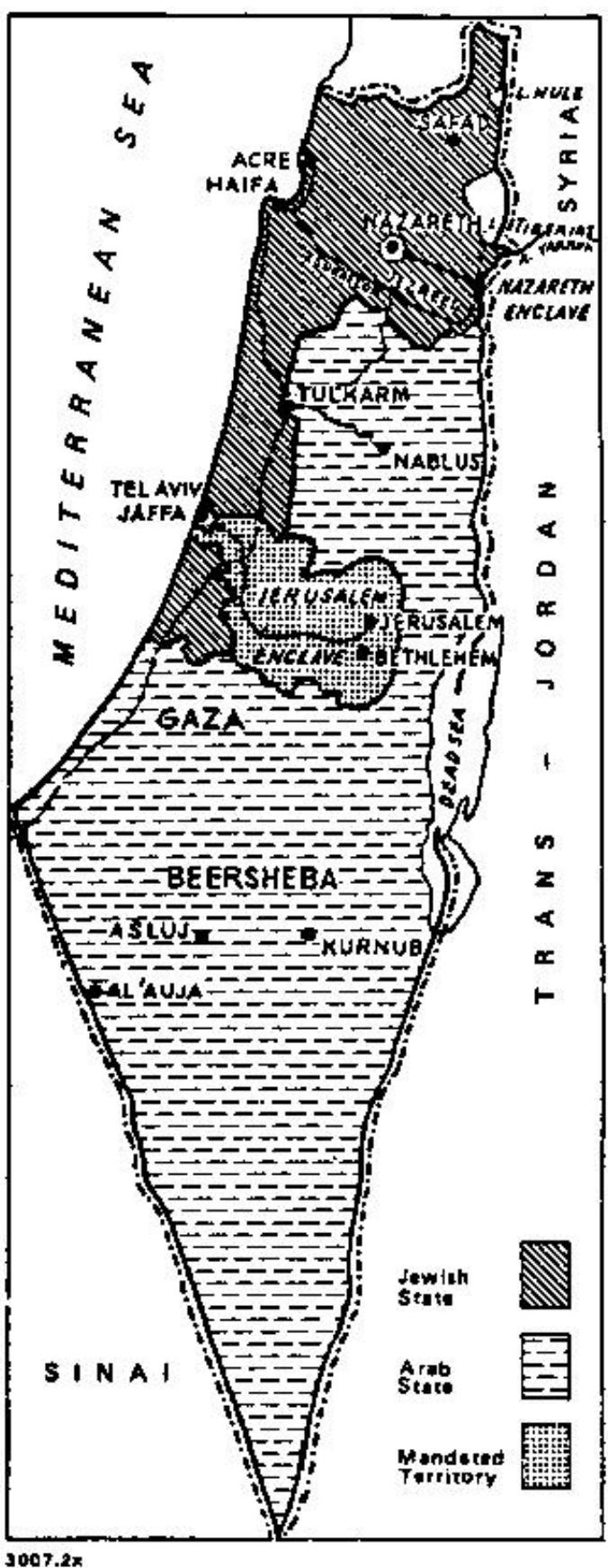
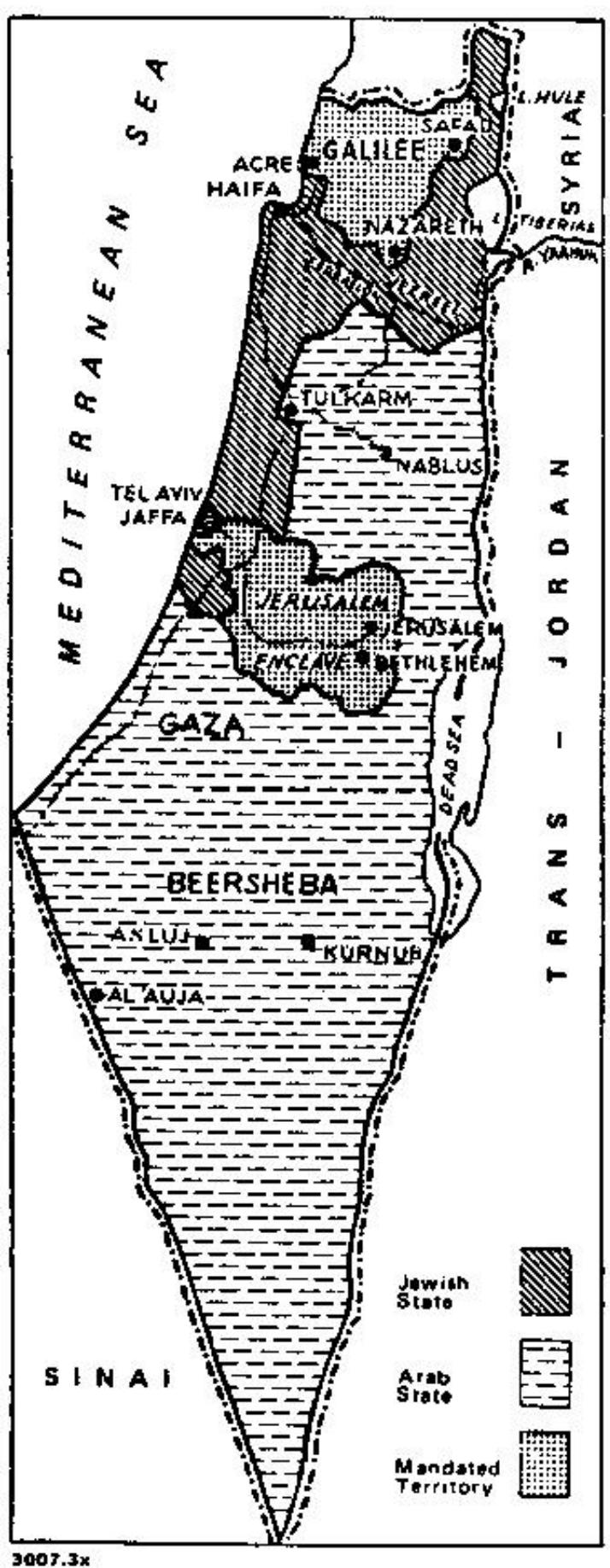
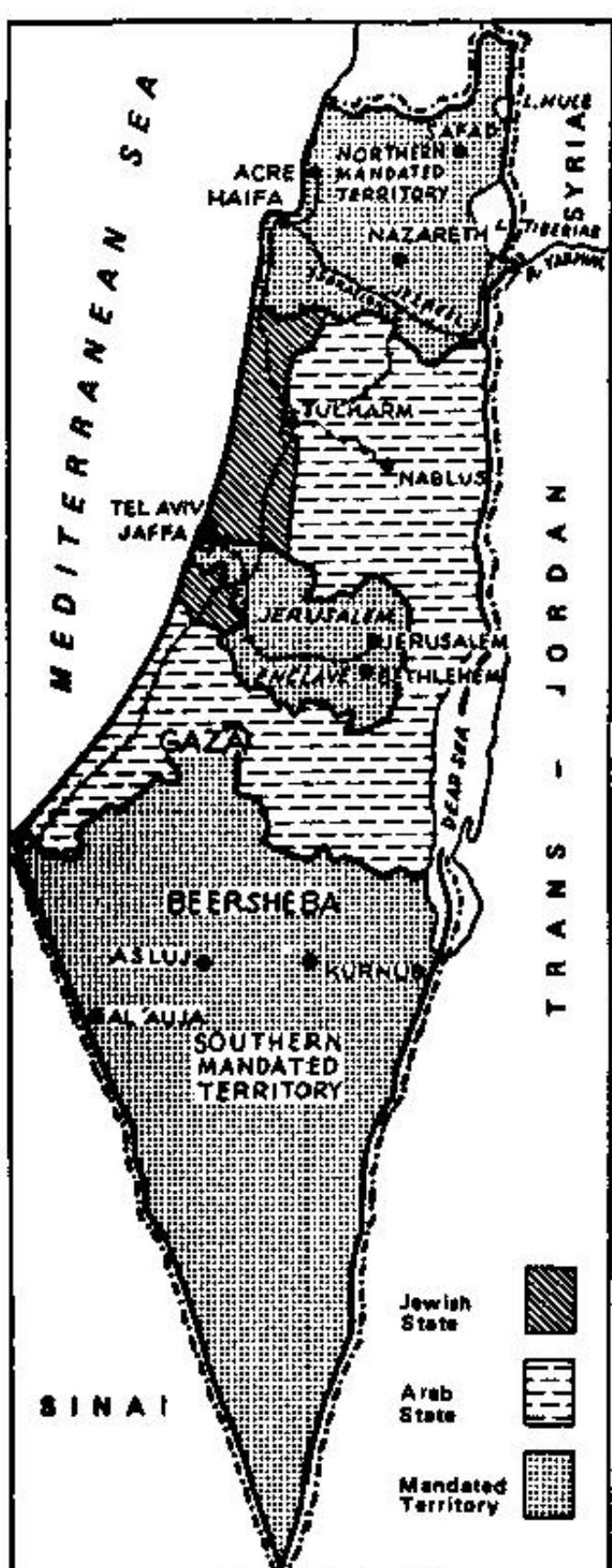

[1] The Palestine mandate came into force on 29 September 1922.

Annex VI – Zionist Claims for Palestine – Map

"*Palestine*" claimed by World Zionist Organization, 1919
(Source: Alan R. Taylor, in Abu-Lughod, *The Transformation of Palestine*)

Annex VII – Royal Commission's Partition Plan "A" – Map

PALESTINE PARTITION PLAN A, 1937

(Royal Commission's Partition Plan, 1937, as elaborated by Palestine Partition Commission, 1938)

(Based on map in Cmd. 5854, 1938)

Annex VIII – Palestine Partition Commission Plan "B" – Map

PALESTINE PARTITION PLAN B, 1938

(Proposed by Palestine Partition Commission, 1938)

(Based on map in Cmd. 5854, 1938)

Annex IX – Palestine Partition Commission Plan “C” – Map